

# EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

MICHELLE KING, as the  
Personal Representative of  
the Estate of ROBERT GLENN  
KING,

Plaintiff,

vs.

UNITED TEACHER ASSOCIATES  
INSURANCE COMPANY,  
CONTINENTAL GENERAL  
INSURANCE COMPANY, GREAT  
AMERICAN LIFE INSURANCE  
COMPANY, CONTINENTAL LTC,  
INC. fka CONTINENTAL  
INSURANCE, INC., and DOES  
I-V,

Defendants.

No. 4:21-cv-00087-BMM

Taken at 7 West Sixth Avenue  
Helena, Montana  
Tuesday, December 10, 2024 - 9:05 a.m.

D E P O S I T I O N

OF

MICHELLE KING

Reported by Mary R. Sullivan, RMR, CRR  
Sullivan Court Reporting  
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<p style="text-align: right;">Page 6</p> <p>1 TUESDAY, DECEMBER 10, 2024</p> <p>2 <b>THE VIDEOGRAPHER:</b> This is the video</p> <p>3 deposition of Michelle King taken by the defendant</p> <p>4 in the matter pending before the United States</p> <p>5 District Court for the District of Montana,</p> <p>6 Great Falls Division. Cause Number</p> <p>7 4:21-cv-00087-BMM. Wherein Michelle King as the</p> <p>8 personal representative of the Estate of Robert</p> <p>9 Glenn King as plaintiff, and United Teachers [sic]</p> <p>10 Associates Insurance Company, Continental General</p> <p>11 Insurance Company, Great American Life Insurance</p> <p>12 Company, Continental, LTC, Incorporated formerly</p> <p>13 known as Continental Insurance Incorporated, and</p> <p>14 Does I through IV -- I through V are defendants.</p> <p>15 Deposition is being held at the offices</p> <p>16 of Lesofski Court Reporting, 7 West 6th Avenue,</p> <p>17 Helena, Montana.</p> <p>18 Today's date is December 10th, 2024.</p> <p>19 Time is 9:06.</p> <p>20 My name is John Murphy, video specialist</p> <p>21 employed by Mountain Star Productions, Helena,</p> <p>22 Montana.</p> <p>23 The reporter's name is Mary Sullivan for</p> <p>24 Lesofski Court Reporting.</p> <p>25 Counsel will now introduce themselves,</p>	<p style="text-align: right;">Page 8</p> <p>1 Biddle &amp; Reath. "Faegre" is spelled F-a-e-g-r-e.</p> <p>2 I represent the defendants Continental General</p> <p>3 Insurance Company, Continental LTC, Inc., and</p> <p>4 United Teacher Associates, Inc., but I'm going to</p> <p>5 refer to them all as "Continental" throughout this</p> <p>6 deposition.</p> <p>7 I'm here with my co-counsel</p> <p>8 Jessica L. Gallagher and Maxon Davis.</p> <p>9 <b>MS. WIXTED:</b> This is Nicole Wixted also</p> <p>10 from Faegre Drinker Biddle &amp; Reath, and I</p> <p>11 represent Great American Life Insurance Company</p> <p>12 now known as MassMutual Ascend Life Insurance</p> <p>13 Company.</p> <p>14 <b>MR. DAVIS:</b> And just for the record,</p> <p>15 Max Davis, and I am co-counsel, as Ms. Jones says,</p> <p>16 for her clients, and I'm also co-counsel with</p> <p>17 Ms. Wixted for her client.</p> <p>18 <b>MS. JONES:</b> All right. All right. Thank</p> <p>19 you, Max.</p> <p>20 So court reporter, you may swear the</p> <p>21 witness.</p> <p>22 Thereupon,</p> <p>23 MICHELLE KING,</p> <p>24 a witness of lawful age, having been sworn to tell</p> <p>25 the truth, the whole truth, and nothing but the</p>
<p style="text-align: right;">Page 7</p> <p>1 and the court reporter will swear in the witness.</p> <p>2 <b>MR. BIDEGARAY:</b> Daniel Bidegaray on</p> <p>3 behalf of the plaintiff, along with Mike Abourezk.</p> <p>4 <b>MS. JONES:</b> Sandra Jones of Faegre</p> <p>5 Drinker Biddle &amp; Reath for the defendants</p> <p>6 Continental General Insurance Company, Continental</p> <p>7 LTC, Inc. and associates. All of them is</p> <p>8 Continent -- (Zoom audio disruption) -- I have</p> <p>9 co-counsel with me -- (Zoom audio disruption) --</p> <p>10 Jessica L. Gallagher --</p> <p>11 <b>THE COURT REPORTER:</b> We need to -- We</p> <p>12 need to --</p> <p>13 <b>MS. JONES:</b> -- and --</p> <p>14 <b>THE COURT REPORTER:</b> Excuse me, Counsel.</p> <p>15 We need to go off the record.</p> <p>16 <b>MS. JONES:</b> Sure.</p> <p>17 <b>THE VIDEOGRAPHER:</b> Time is 9:06. Going</p> <p>18 off the record.</p> <p>19 (Recess taken from 9:23 a.m. to</p> <p>20 9:28 a.m.)</p> <p>21 <b>THE VIDEOGRAPHER:</b> Time is 9:28. Back on</p> <p>22 the record.</p> <p>23 <b>MS. JONES:</b> Excellent. Okay. So after</p> <p>24 those technical difficulties, my name is</p> <p>25 Sandra Jones. I'm a partner at Faegre Drinker</p>	<p style="text-align: right;">Page 9</p> <p>1 truth, testified as follows:</p> <p>2 <b>EXAMINATION</b></p> <p>3 <b>BY MS. JONES:</b></p> <p>4 Q. Great. Thanks, Ms. King. Again, my</p> <p>5 name's Sandy. You can call me "Sandy."</p> <p>6 <b>A. Okay.</b></p> <p>7 Q. I don't know if you have been deposed</p> <p>8 before.</p> <p>9 <b>A. No.</b></p> <p>10 Q. I guess I should ask you, have you ever</p> <p>11 been deposed before?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Okay. So I'll give you -- and I'm sure</p> <p>14 you've talked to your counsel, but I'll give you a</p> <p>15 couple of basic -- I don't want to call them</p> <p>16 really rules, per se, but things to remember.</p> <p>17 So it's difficult in this environment</p> <p>18 because we're not sitting face to face to be able</p> <p>19 to -- to stop each other and articulate certain</p> <p>20 things, so it's important that you let me ask the</p> <p>21 question of you, which it'll -- it'll flow like an</p> <p>22 interview, and then you give your answer, and we</p> <p>23 will try our best not to talk over one another</p> <p>24 because the court reporter has to record all of</p> <p>25 this, and so, again, like, it reads like a -- the</p>

<p>Page 10</p> <p>1 script of a play --</p> <p>2 <b>A. Okay.</b></p> <p>3 Q. -- where it all -- Right?</p> <p>4 <b>A. Okay.</b></p> <p>5 Q. Any time that you need a break, you just</p> <p>6 let me know or let the folks in the room know, but</p> <p>7 you can only ask for a break after you answer a</p> <p>8 question, so not while a question's pending, which</p> <p>9 I'm sure makes sense to you.</p> <p>10 <b>A. Yep.</b></p> <p>11 Q. Also try to answer yes, no instead of yep</p> <p>12 or -- or shake your head or anything like that</p> <p>13 because the court reporter has to gather that</p> <p>14 answer from you.</p> <p>15 <b>A. Got it.</b></p> <p>16 Q. If there -- If there's anything that I</p> <p>17 ask you and you don't understand, just ask me to</p> <p>18 clarify, I'm happy to do that.</p> <p>19 <b>A. Okay.</b></p> <p>20 Q. And again, I'll try and speak as slowly</p> <p>21 and clearly as possible.</p> <p>22 So the first question's kind of a silly</p> <p>23 one, but I always ask it, which is are you under</p> <p>24 the influence of any drugs, alcohol, or medication</p> <p>25 that would impair your ability to testify</p>	<p>Page 12</p> <p>1 <b>BY MS. JONES:</b></p> <p>2 Q. Did you read any documents on your own to</p> <p>3 prepare for the deposition.</p> <p>4 <b>A. No.</b></p> <p>5 Q. Did you talk with anyone other than</p> <p>6 Mr. Bidegaray about the deposition.</p> <p>7 <b>A. No.</b></p> <p>8 Q. Where do you currently live? What's your</p> <p>9 address, I should say.</p> <p>10 <b>A. 4015 Chapparral Drive, Helena, Montana.</b></p> <p>11 Q. And who lives with you at that address.</p> <p>12 <b>A. My husband and my children.</b></p> <p>13 Q. How old -- What's your husband's name?</p> <p>14 <b>A. Scott Klatt.</b></p> <p>15 Q. And -- Oh, sorry. Scott, I'm sorry,</p> <p>16 Klatt?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And how old are your children.</p> <p>19 <b>A. I have a 17-year-old and a 14-year-old.</b></p> <p>20 Q. And let's talk about your education.</p> <p>21 What's your highest level of education.</p> <p>22 <b>A. I have a master's degree in education</b></p> <p>23 <b>curriculum and instruction.</b></p> <p>24 Q. And where did you go for that.</p> <p>25 <b>A. I did that University of Phoenix online.</b></p>
<p>Page 11</p> <p>1 truthfully or honestly today?</p> <p>2 <b>A. No.</b></p> <p>3 Q. And who is in the room with you aside</p> <p>4 from the court reporter and the videographer.</p> <p>5 <b>A. Daniel Bidegaray?</b></p> <p>6 Q. And just Daniel?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Okay. What did you do to prepare for</p> <p>9 this deposition.</p> <p>10 <b>MR. BIDEGARAY:</b> I'm gonna interject an</p> <p>11 objection. The question's overbroad.</p> <p>12 Anything you did to prepare with me I'm</p> <p>13 gonna -- gonna instruct you not to answer that.</p> <p>14 Now, if you did some things on your own separate</p> <p>15 and aside from me, you can go ahead and answer</p> <p>16 with that qualification.</p> <p>17 <b>A. I just kind of reviewed in my head</b></p> <p>18 <b>what -- things that I could never forget of the</b></p> <p>19 <b>last, let's see, 13 years.</b></p> <p>20 <b>BY MS. JONES:</b></p> <p>21 Q. And did you read any documents to prepare</p> <p>22 for the deposition?</p> <p>23 <b>MR. BIDEGARAY:</b> Same objection.</p> <p>24 Same instruction.</p> <p>25 ///</p>	<p>Page 13</p> <p>1 Q. When did you get that degree?</p> <p>2 <b>A. 2004 maybe I finished it?</b></p> <p>3 Q. And where did you go to college.</p> <p>4 <b>A. To Montana State University in Bozeman,</b></p> <p>5 <b>Montana.</b></p> <p>6 Q. And what was your degree from there.</p> <p>7 <b>A. I have two degrees. The first time I got</b></p> <p>8 <b>a degree in health promotion and wellness, and</b></p> <p>9 <b>then I decided to go back, and I got a degree in</b></p> <p>10 <b>elementary education, certified K through 8.</b></p> <p>11 Q. Okay. When was the first degree.</p> <p>12 <b>A. I graduated in 1995, and I went back to</b></p> <p>13 <b>school and graduated with my education degree in,</b></p> <p>14 <b>I believe, 1999.</b></p> <p>15 Q. So did you go back to back? Did you have</p> <p>16 to go to college for eight years or did you -- was</p> <p>17 there a break in between.</p> <p>18 <b>A. There was a break in between. I had to</b></p> <p>19 <b>do a -- an internship for my health promotion and</b></p> <p>20 <b>wellness, and so I did that. And then I had some</b></p> <p>21 <b>fun jobs, and then I decided I needed to go back</b></p> <p>22 <b>to school to do teaching 'cause I liked kids.</b></p> <p>23 Q. Got it. What were -- What were some of</p> <p>24 those fun jobs.</p> <p>25 <b>A. I worked at a daycare center, and that</b></p>

<p style="text-align: right;">Page 14</p> <p>1 was where I decided I really loved working with                  2 kids, and that's what made me decide to go back to                  3 college for education. And it only took two years                  4 'cause I had a lot of -- a lot of the classes                  5 carried over from my previous degree.                  6 Q. What did you do -- What was your first                  7 job after college, if you remember.                  8 A. Well, it was probably my internship when                  9 I was doing health fairs and that kind of stuff,                  10 health fairs and taking people's blood pressure                  11 and checking eyes and cholesterol and those kind                  12 of things.                  13 Q. After your internship, what was your --                  14 what was your first, I guess, paid job.                  15 A. Working at the daycare center.                  16 Q. So can you walk me through your                  17 employment history going back from now, I guess                  18 maybe that's easier, or going forward, whichever's                  19 easiest for you, you let me know what you prefer,                  20 but I -- I'm trying to get a picture of your                  21 employment history from when you graduated with --                  22 from college all the way until now and if there                  23 were any breaks in between --                  24 A. I --                  25 Q. -- your next --</p>	<p style="text-align: right;">Page 16</p> <p>1 A. I worked for an Austin PEO company, and                  2 there's just a bunch of different clients, and I                  3 do bank recs and accounts payable.                  4 Q. What was the name of the Austin company.                  5 A. Austin PEO.                  6 Q. Oh, Austin PEO was the name of the                  7 company.                  8 A. Yes.                  9 Q. Okay. And what -- what did -- what did                  10 part time look like? In other words, how many                  11 hours a week did you work? What were your hours                  12 like?                  13 A. Part time. I don't really remember a                  14 hundred percent, but less than 20 hours a week                  15 generally, and it was flexible hours because I had                  16 my kids and they were involved in different                  17 classes, and I was able to take them to different                  18 classes and take my dad to appointments and that                  19 kind of stuff. So it was generally flexible hours                  20 and I could work a little bit remotely from home,                  21 I could log in and do bank recs and that kind of                  22 stuff.                  23 Q. Did you have to go into the office?                  24 A. When I was printing checks, yes.                  25 Q. And how often would that be?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Okay. So I worked at the daycare center,                  2 and then I went back to college and got a                  3 education degree and teaching certificate. I                  4 taught for three years, and then I started doing                  5 some bookkeeping. And then I had some children.                  6 And then I was -- I was still bookkeeping part                  7 time. And then I -- my dad came and lived with                  8 us, and I helped take care of him, and continued                  9 working part time. And then I took some time off                  10 to be with my kids and be a mom. And then I went                  11 back to bookkeeping, and that's what I --                  12 Q. Oh --                  13 A. -- currently do.                  14 Q. Thank you. So when did your -- when did                  15 your dad move in with you?                  16 A. In 2011. July, maybe? August?                  17 Q. And you said -- So you were bookkeeping                  18 part time while your dad lived with you? Is that                  19 what you said?                  20 A. Yes.                  21 Q. And can you tell me a little bit more                  22 about the bookkeeping and the time frame in which                  23 you did that?                  24 So first all -- of all, who did you do                  25 the books for.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Maybe a couple of hours a week.                  2 Q. And the rest was from home?                  3 A. It could be. It wasn't always, but it                  4 could have been.                  5 Q. And how -- were you paid by the hour or                  6 did you earn a salary?                  7 A. No, paid by the hour.                  8 Q. Approximately how many hours a week did                  9 you work? Well, you -- you essentially told me                  10 that already, but based on your income or --                  11 A. I would --                  12 Q. -- salary situation.                  13 A. I would --                  14 Q. Go ahead.                  15 A. -- say 20 hours a week.                  16 Q. Okay. Did you ever work in the insurance                  17 industry?                  18 A. No.                  19 Q. When did you stop bookkeeping in -- in                  20 terms of timeline. So again, you were -- you were                  21 doing that, your dad moves in around 2011 and you                  22 were still working. When did you stop.                  23 A. March of 2016.                  24 Q. So up until March 2016 you were working                  25 part time.</p>

<p>Page 18</p> <p>1 A. Yes.</p> <p>2 Q. And you were not working for a school or</p> <p>3 any other job in addition to bookkeeping?</p> <p>4 A. No, I would volunteer, if I could, in my</p> <p>5 children's classroom.</p> <p>6 Q. Okay. How often was that?</p> <p>7 A. Maybe an hour a week?</p> <p>8 Q. And when you stopped working in</p> <p>9 March 2016, when did you go back to work again.</p> <p>10 A. September 2021?</p> <p>11 Q. And when did your dad pass away?</p> <p>12 A. November 6th of 2006. I mean, '16.</p> <p>13 Q. So what did you do from then,</p> <p>14 November 2016 until September 2021?</p> <p>15 A. I was a mom.</p> <p>16 Q. Understood. Me too.</p> <p>17 And then do you -- you work -- came --</p> <p>18 went back to work, though, you said in 2021?</p> <p>19 A. Yes.</p> <p>20 Q. And what did you do in 2021.</p> <p>21 A. I went back to the bookkeeping.</p> <p>22 Q. And you still do that now?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So you never used your education</p> <p>25 degree to teach or --</p>	<p>Page 20</p> <p>1 Q. What company does he work for.</p> <p>2 A. Northwest Drywall.</p> <p>3 Q. And how long has he worked there.</p> <p>4 A. I'm sorry. How long has he worked there?</p> <p>5 Q. Yes. Sorry about that.</p> <p>6 A. Okay. Let's see. He has been there for</p> <p>7 ten years.</p> <p>8 Q. Okay. And prior to that, do you know</p> <p>9 what he did?</p> <p>10 A. Yes. He delivered lumber, and he did</p> <p>11 that for six -- probably eight to ten years? I'm</p> <p>12 not sure exactly.</p> <p>13 Q. Has your husband ever worked in</p> <p>14 insurance.</p> <p>15 A. No.</p> <p>16 Q. Were you ever a noncommercial registered</p> <p>17 insurance agent, by any chance.</p> <p>18 A. No.</p> <p>19 Q. Do you hold any licenses or professional</p> <p>20 certifications.</p> <p>21 A. I have a teaching certificate that I keep</p> <p>22 current.</p> <p>23 Q. Okay. Anything else?</p> <p>24 A. Not that I can recall.</p> <p>25 Q. Okay. Do you have any siblings.</p>
<p>Page 19</p> <p>1 A. Not again.</p> <p>2 Q. -- anything like that?</p> <p>3 A. I taught back in the early 2000s for</p> <p>4 three years, and then after that, then, no, I did</p> <p>5 not, other than --</p> <p>6 Q. Okay.</p> <p>7 A. -- to teach my own children.</p> <p>8 Q. Got it. And are you still a bookkeeper?</p> <p>9 A. Yes.</p> <p>10 Q. And what company do you work for.</p> <p>11 A. Austin PEO.</p> <p>12 Q. Okay. And do you still work part time or</p> <p>13 are you full time now.</p> <p>14 A. Just part time.</p> <p>15 Q. Still about 20 hours per week?</p> <p>16 A. I would say more like 15 to 20 hours.</p> <p>17 Q. And what is your -- what is your income</p> <p>18 from that job per hour.</p> <p>19 A. I think I make 23 or \$25 an hour?</p> <p>20 Q. And has that increased, I guess, over</p> <p>21 time?</p> <p>22 A. Yes.</p> <p>23 Q. What about your spouse? What does he do</p> <p>24 for a living.</p> <p>25 A. He sells Sheetrock and roofing.</p>	<p>Page 21</p> <p>1 A. I have two.</p> <p>2 Q. And who are they?</p> <p>3 A. My brother Mark, and my brother Matt.</p> <p>4 Q. And where does Mark live?</p> <p>5 A. He lives in Big Timber, Montana.</p> <p>6 Q. How far is Big Timber from where you</p> <p>7 live?</p> <p>8 A. A hundred and --</p> <p>9 Q. Approximately.</p> <p>10 A. Hundred and sixty miles?</p> <p>11 Q. Okay. And what about your brother Matt?</p> <p>12 Where does he live?</p> <p>13 A. He lives in Helena.</p> <p>14 Q. And how far is Helena -- Well, Helena is</p> <p>15 where you live, but how far is the distance from</p> <p>16 his house to yours if you had to guess.</p> <p>17 A. Eight miles?</p> <p>18 Q. I don't know if Helena is that tiny.</p> <p>19 A. Eight miles?</p> <p>20 Q. Eight, you said?</p> <p>21 A. Eight.</p> <p>22 Q. Eight. Yes, okay.</p> <p>23 And what do your brothers do for a</p> <p>24 living? What does Mark do?</p> <p>25 A. He is a county extension agent.</p>



<p>Page 22</p> <p>1 Q. And has your brother Mark ever worked in 2 insurance. 3 <b>A. No.</b> 4 Q. What about Matt? What does he do? 5 <b>A. He is an engineer for the highway</b> 6 <b>department?</b> 7 Q. And has he ever worked in insurance. 8 <b>A. No.</b> 9 Q. Have any of their spouses or children 10 worked for -- in insurance, either Matt or Mark. 11 <b>A. No.</b> 12 Q. But did your dad work in insurance. 13 <b>A. Yes.</b> 14 Q. And can we walk through some of your 15 dad's employment history, if you remember, 16 obviously. 17 So when did your dad, if you know, first 18 get licensed as an insurance producer. 19 <b>A. I really have no idea.</b> 20 Q. I guess would you believe me if I said 21 around 1980? Does that sound right to you? 22 <b>A. Yeah, I guess. I -- I don't -- I --</b> 23 <b>honestly I -- I don't know.</b> 24 Q. Do you know what an insurance producer 25 is?</p>	<p>Page 24</p> <p>1 you born? 2 <b>A. 1971.</b> 3 Q. Okay. Did your mother also work when you 4 were a child. 5 <b>A. I believe so. Some -- Part of the time.</b> 6 Q. Do you know what she did? 7 <b>A. Well, she was a registered nurse.</b> 8 Q. Okay. And was she anything else besides 9 a registered nurse? 10 <b>A. I believe she worked in an insurance</b> 11 <b>agency.</b> 12 Q. When you say "the insurance agency," do 13 you mean the American Insurance Center -- 14 <b>A. Yes.</b> 15 Q. -- that was in Helena? 16 <b>A. Yes.</b> 17 Q. Okay. Did your parents own that 18 business? 19 <b>A. Yes.</b> 20 Q. Did they own it with anybody else? 21 <b>A. I do not know that.</b> 22 Q. Can you tell me in your own words what 23 the American Insurance Center is. 24 <b>A. It was an insurance company? That's</b> 25 <b>about all I know.</b></p>
<p>Page 23</p> <p>1 <b>A. No, I don't.</b> 2 Q. Okay. Do you know -- I guess do you 3 know -- a -- do you know what an insurance 4 salesman is. 5 <b>A. Yes.</b> 6 Q. Okay. Did your dad sell insurance. 7 <b>A. I believe so.</b> 8 Q. Did you -- Did he ever work for a company 9 called GAB Insurance? 10 <b>A. Yes.</b> 11 Q. And did he own that company or was he 12 just an employee there. 13 <b>A. I believe an employee.</b> 14 Q. Do you know what he did there? 15 <b>A. I do not.</b> 16 Q. Do you know how long that he -- he worked 17 there? 18 <b>A. I do not.</b> 19 Q. Did he work -- ever work at fireman's 20 fund insurance company? 21 <b>A. Yes.</b> 22 Q. And do you know what his job was there? 23 <b>A. I do not because that was about the time</b> 24 <b>I was born.</b> 25 Q. Okay. I guess I should ask, when were</p>	<p>Page 25</p> <p>1 Q. Okay. Do you -- Do you know what kind of 2 insurance company? Like what line of insurance or 3 what types of insurance it would sell? 4 <b>A. No, I do not.</b> 5 Q. And do you know what your dad did at 6 American Insurance Center? 7 <b>A. I do not.</b> 8 Q. Do you know what your mom did at American 9 Insurance Center. 10 <b>A. She answered the phones, as far as I</b> 11 <b>know.</b> 12 Q. Was she involved in the business in any 13 other way in terms of selling insurance or 14 operating -- 15 <b>A. Not that I know of.</b> 16 Q. -- (Zoom audio distortion.) 17 <b>A. I don't know. I was a young child, so I</b> 18 <b>don't recall.</b> 19 <b>THE COURT REPORTER:</b> Excuse me, Counsel. 20 Ms. King -- 21 <b>MR. DAVIS:</b> Yes. 22 <b>THE COURT REPORTER:</b> -- just a reminder, 23 if you could please wait until she's completely 24 finished with her question, so that I can get all 25 of her words down before you answer.</p>

<p style="text-align: right;">Page 26</p> <p>1 <b>THE DEPONENT:</b> Yes.</p> <p>2 <b>THE COURT REPORTER:</b> Thank you so much.</p> <p>3 I appreciate it.</p> <p>4 Go ahead, Counsel.</p> <p>5 <b>MS. JONES:</b> Thanks, Mary, no problem, and</p> <p>6 again, I'll try to slow down as well.</p> <p>7 <b>BY MR. DAVIS:</b></p> <p>8 Q. Do you know the different roles that your</p> <p>9 father held within American Insurance Center?</p> <p>10 <b>A. I do not.</b></p> <p>11 Q. Do you know how many employees,</p> <p>12 approximately, might have worked there?</p> <p>13 <b>A. I do not.</b></p> <p>14 Q. Are your brothers older or younger than</p> <p>15 you.</p> <p>16 <b>A. They are older.</b></p> <p>17 Q. Did they ever work at American Insurance</p> <p>18 Company Center? I'm sorry, American Insurance</p> <p>19 Center?</p> <p>20 <b>A. I think they may have mowed the lawn, but</b></p> <p>21 <b>they did not work inside, to my knowledge.</b></p> <p>22 Q. Did any other family members of yours</p> <p>23 work at the American Insurance Center?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Do you know how much the business earned</p>	<p style="text-align: right;">Page 28</p> <p>1 American Insurance Center?</p> <p>2 <b>A. That could be possible, yes.</b></p> <p>3 Q. Do -- You don't know for a fact what he</p> <p>4 did?</p> <p>5 <b>A. I do not, no.</b></p> <p>6 Q. Did your dad ever become -- work for the</p> <p>7 Montana Municipal Insurance Authority?</p> <p>8 <b>A. I believe so.</b></p> <p>9 Q. Do you know when that might have been?</p> <p>10 Just estimated?</p> <p>11 <b>A. Maybe in the late '80s or early '90s.</b></p> <p>12 Q. Do you know how long he worked there?</p> <p>13 <b>A. No, I do not.</b></p> <p>14 Q. Do you know what his title was.</p> <p>15 <b>A. No, I do not.</b></p> <p>16 Q. Do you know what he did there at all?</p> <p>17 <b>A. I want to say he was an adjuster?</b></p> <p>18 Q. Do you know what an adjuster is?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Do you know what a claim examiner is?</p> <p>21 <b>A. I would believe that that would be a</b></p> <p>22 <b>person that examines claims, but I'm not a hundred</b></p> <p>23 <b>percent sure.</b></p> <p>24 Q. Do you know what types of insurance</p> <p>25 your -- your dad handled when he worked at Montana</p>
<p style="text-align: right;">Page 27</p> <p>1 in revenues?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Do you know what happened to that</p> <p>4 business or when it -- when they stopped working</p> <p>5 there?</p> <p>6 <b>A. I do not.</b></p> <p>7 Q. Do you have a ballpark of a -- of a year</p> <p>8 when it stopped?</p> <p>9 <b>A. I don't.</b></p> <p>10 Q. Do you know how -- approximately how long</p> <p>11 they owned it?</p> <p>12 <b>A. I do not.</b></p> <p>13 Q. Could it have been more than ten years?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Do you know why your parents stopped</p> <p>16 working there or maybe sold the business? Do you</p> <p>17 know -- I should say -- Strike that.</p> <p>18 Do you know if your parents sold the</p> <p>19 business?</p> <p>20 <b>A. I do not.</b></p> <p>21 Q. Do you know why they stopped working</p> <p>22 there?</p> <p>23 <b>A. No, I do not.</b></p> <p>24 Q. Do you believe that your father would</p> <p>25 have adjusted insurance claims while he owned</p>	<p style="text-align: right;">Page 29</p> <p>1 Municipal Insurance Authority?</p> <p>2 <b>A. No, I do not.</b></p> <p>3 Q. You know, I should have asked this</p> <p>4 earlier. Were you ever involved in a -- a party</p> <p>5 in a lawsuit before?</p> <p>6 <b>A. Can you please repeat that?</b></p> <p>7 Q. Sure. I'm sorry, I should have asked</p> <p>8 earlier, but were you ever a party to a lawsuit</p> <p>9 before.</p> <p>10 <b>A. No.</b></p> <p>11 Q. Okay. What about your -- your husband.</p> <p>12 <b>A. Not to my knowledge.</b></p> <p>13 Q. What about your dad? Did he ever -- Was</p> <p>14 he ever involved in another lawsuit while he was</p> <p>15 living?</p> <p>16 <b>A. Not that I can recall.</b></p> <p>17 Q. Do you know what kind of work your dad</p> <p>18 did after Montana Municipal Insurance Authority?</p> <p>19 <b>A. No, I don't.</b></p> <p>20 Q. Did he always work for insurance</p> <p>21 companies or in the insurance industry, as far as</p> <p>22 you remember?</p> <p>23 <b>A. As far as I remember, yes.</b></p> <p>24 Q. And was that from before you were born up</p> <p>25 until he retired?</p>

<p style="text-align: right;">Page 30</p> <p>1 <b>A. Yes.</b>                  2 Q. Do you know when he retired?                  3 <b>A. No, I do not.</b>                  4 Q. Do you have a -- an estimated year? Were                  5 you an adult, were you a child?                  6 <b>A. I was probably a young adult.</b>                  7 Q. And did he do anything after he retired?                  8 <b>A. He worked -- He did some -- I don't know</b>                  9 <b>if he was retired then or not, but he would take</b>                  10 <b>oil -- parts to oil rigs when he lived in</b>                  11 <b>Louisiana just as -- little odd jobs here and</b>                  12 <b>there.</b>                  13 Q. Okay. So let -- let's -- did he work                  14 when he moved in with you in 2011.                  15 <b>A. No.</b>                  16 Q. What -- Did he have any hobbies or things                  17 he liked to do?                  18 <b>A. He --</b>                  19 Q. Go ahead.                  20 <b>A. He liked to build birdhouses and things</b>                  21 <b>with his hands.</b>                  22 Q. And in addition to birdhouses, did he                  23 make any, like, large structures or was it mostly                  24 small wood projects.                  25 <b>A. Small wood projects.</b></p>	<p style="text-align: right;">Page 32</p> <p>1 Q. And so his bedroom was upstairs?                  2 <b>A. Yes.</b>                  3 Q. And how did he -- how did he get up the                  4 stairs? Did he walk up the stairs?                  5 <b>A. Sometimes.</b>                  6 Q. Do you know who Jack Huckabay is?                  7 <b>A. The name is familiar?</b>                  8 Q. Have you ever met Jack Huckabay?                  9 <b>A. No.</b>                  10 Q. When you say the name is familiar, do you                  11 know why? Do you have any recollection of                  12 what --                  13 <b>A. His --</b>                  14 Q. -- he might be? No, that's okay. Go                  15 ahead.                  16 <b>A. He was a friend of my father's, I</b>                  17 <b>believe.</b>                  18 Q. Did he work with your dad ever in                  19 insurance?                  20 <b>A. I do not know.</b>                  21 Q. Did you know if Jack Huckabay sold your                  22 dad the insurance policy that we're here to talk                  23 about today?                  24 <b>A. I do not know.</b>                  25 Q. Did you know your dad was buying the</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Did he have a workshop --                  2 <b>A. Yes.</b>                  3 Q. -- that he could do that at?                  4 Was that part of your house?                  5 <b>A. Yes.</b>                  6 Q. Does your -- Describe to me how your --                  7 your home is. How many bedrooms does it have?                  8 <b>A. It has four bedrooms and three --</b>                  9 Q. How many square feet is it,                  10 approximately?                  11 <b>A. 1,200?</b>                  12 Q. Do you have a lot of land?                  13 <b>A. Five acres?</b>                  14 Q. Are there any other structures on the                  15 property?                  16 <b>A. There is a garage, there's a shop, and</b>                  17 <b>there's a chicken coop?</b>                  18 Q. When your father lived with you, did he                  19 live inside the house, then?                  20 <b>A. Yes.</b>                  21 Q. Did he have his own room?                  22 <b>A. Yes.</b>                  23 Q. Is it on one floor or two floors, your                  24 house?                  25 <b>A. Two levels.</b></p>	<p style="text-align: right;">Page 33</p> <p>1 insurance policy that we're here to talk about                  2 today.                  3 <b>A. I did not know.</b>                  4 Q. Did he ever talk to you about the                  5 insurance policy while he was living.                  6 <b>A. He had told me he had bought a long-term</b>                  7 <b>care insurance policy, but that was about the</b>                  8 <b>extent of my knowledge.</b>                  9 Q. Did he ever give you a copy of the policy                  10 or otherwise tell you where it was located?                  11 <b>A. No.</b>                  12 Q. When did you first see the insurance                  13 policy.                  14 <b>A. After he died.</b>                  15 Q. So otherwise had he reviewed -- seen the                  16 insurance policy, I should say? Was he the one                  17 who had control over the insurance policy may be a                  18 better question?                  19 <b>A. Yes.</b>                  20 Q. And did you trust that he was able to do                  21 that on his own? In other words, you didn't feel                  22 the need to intervene.                  23 <b>A. Correct.</b>                  24 <b>THE COURT REPORTER:</b> I'm sorry. You                  25 didn't feel the need to?</p>



<p style="text-align: right;">Page 34</p> <p>1 <b>MS. JONES:</b> I'm sorry. I said intervene. 2 <b>THE COURT REPORTER:</b> Okay. I need you to 3 try and slow down just a little bit, Counsel. I'm 4 not catching everything. Thank you. Go ahead. 5 <b>MS. JONES:</b> No, not a problem, Mary. I 6 appreciate you letting me know that. 7 <b>BY MS. JONES:</b> 8 Q. Do you -- Have you ever heard of 9 Carpenter Insurance Service? 10 <b>A. No.</b> 11 Q. What about Transwestern General Agency. 12 <b>A. No.</b> 13 Q. Do you have your own long-term care 14 insurance policy? 15 <b>A. Yes.</b> 16 Q. And who issues that policy? What 17 insurance company? 18 <b>A. Knights of Columbus?</b> 19 Q. And when did you purchase that. 20 <b>A. Maybe sometime in 2018?</b> 21 Q. So after your dad had died? 22 <b>A. Yes.</b> 23 Q. And have you ever read that policy. 24 <b>A. No.</b> 25 Q. Does your husband also have a long-term</p>	<p style="text-align: right;">Page 36</p> <p>1 <b>of you or if you end up in a nursing home, it'll</b> 2 <b>help assist with that.</b> 3 Q. Do you know what the policy that you have 4 will cover? 5 <b>A. I do not.</b> 6 Q. Do you believe that all long-term care 7 insurance policies cover the same thing? 8 <b>A. No.</b> 9 Q. Do you know that there are different 10 levels of coverage that can be purchased that will 11 pay for different needs or types of care. 12 <b>A. No.</b> 13 Q. So again, you say that you first looked 14 at this policy after your dad had died? 15 <b>A. Yes.</b> 16 Q. During his lifetime, did your -- or 17 I -- if I already asked this, I apologize, but did 18 your dad ever talk to you about the insurance 19 company or the insurance policy while he was 20 alive. 21 <b>A. Not necessarily the policy, but we did</b> 22 <b>discuss long-term care.</b> 23 Q. Did he ever talk about the insurance 24 company Continental? 25 <b>A. No, not -- not specifically.</b></p>
<p style="text-align: right;">Page 35</p> <p>1 care insurance policy? 2 <b>A. Yes.</b> 3 Q. Is it also with Knights of Columbus? 4 <b>A. Yes.</b> 5 Q. Who sold you that insurance policy? 6 What -- And did you work with a financial advisor, 7 an insurance broker? 8 <b>A. I believe he got it through an insurance</b> 9 <b>broker.</b> 10 Q. And when you say "he," you mean your 11 husband? 12 <b>A. Yes.</b> 13 Q. And so he got both of those policies. 14 <b>A. Yes.</b> 15 Q. So you bought long-term care insurance 16 even after your dad's claim for insurance. Right? 17 <b>A. Yes.</b> 18 Q. Do you know what a long-term care 19 insurance policy is intended for? 20 <b>A. In my own beliefs?</b> 21 Q. You can answer that however you'd like. 22 Go ahead. 23 <b>A. In my own beliefs, I just feel that it's</b> 24 <b>there to help you if you need help if you get</b> 25 <b>disabled, if you need somebody to come take care</b></p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Not until -- What about after you became 2 involved in his claim and -- and were talking to 3 the insurance company yourself. What -- Did you 4 discuss things then? 5 <b>A. Yes, and I don't -- I didn't really</b> 6 <b>realize -- I mean, I didn't put a -- associate a</b> 7 <b>name of a company with a policy. I just knew that</b> 8 <b>there was a policy.</b> 9 Q. Okay. So, then, generally, did you talk 10 about the insurance company with your dad. 11 <b>A. Yes.</b> 12 Q. Do you know when your dad first contacted 13 the insurance company about the policy. 14 <b>A. About purchasing a policy?</b> 15 Q. No. Once he already had the policy, do 16 you know if he ever called the insurance company. 17 <b>A. Yes.</b> 18 Q. And when was that? 19 <b>A. The -- I would believe maybe in 2013?</b> 20 Q. And do you know the next time he called 21 to talk to the insurance company? 22 <b>A. Not offhand I do not. I know there was</b> 23 <b>other times, but I don't know the exact dates.</b> 24 Q. What about, like, a -- a general 25 ballpark.</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Well, I --</p> <p>2 Q. Do you know --</p> <p>3 A. -- know that they're --</p> <p>4 Q. -- between 2013 -- Oh, no, that's okay.</p> <p>5 Do you know between 2013 and 2016 if he</p> <p>6 had called the insurance company?</p> <p>7 A. I know that he had called again in 2016</p> <p>8 at some point in time, but I do not know about</p> <p>9 2014 or '15, I don't have any recollection of a</p> <p>10 phone call at that time.</p> <p>11 Q. Did you ever tell your dad or suggest to</p> <p>12 your dad at any point in time that he should call</p> <p>13 the insurance company and submit a claim for</p> <p>14 benefits?</p> <p>15 A. No.</p> <p>16 Q. Why is that?</p> <p>17 A. Because it was his policy, and I know</p> <p>18 nothing about insurance and how that works.</p> <p>19 Q. Well, what about help? If your dad</p> <p>20 needed help and the policy -- you testified</p> <p>21 earlier you think the -- you know, the policy</p> <p>22 should pay to help you when you get older. Right?</p> <p>23 A. Yes.</p> <p>24 Q. So as your dad got older, you didn't</p> <p>25 think he should try and call the insurance company</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No.</p> <p>2 Q. In fact, your -- your -- your dad, was he</p> <p>3 pretty sharp up until his -- his passing mentally?</p> <p>4 A. Yes.</p> <p>5 Q. And so when did your dad, I guess, ask</p> <p>6 you to get involved with the insurance company.</p> <p>7 A. I don't know that he specifically asked</p> <p>8 me, but after he would get off the phone crying</p> <p>9 and be irate, then I said I think I need to step</p> <p>10 in because I don't like to see people crying and</p> <p>11 upset, and I needed to see what I could do 'cause</p> <p>12 he was not a person to cry. Sorry.</p> <p>13 Q. No, no, no, I wanted to let you finish.</p> <p>14 Do you know what -- how many times your</p> <p>15 dad had called the insurance company where he was</p> <p>16 crying instances?</p> <p>17 A. Are you asking how many times --</p> <p>18 Q. Like a number of times you felt like</p> <p>19 you -- you saw your dad distraught that you -- you</p> <p>20 wanted to call the insurance company.</p> <p>21 A. I do not know how many times he had</p> <p>22 called, but I would come into the room and he</p> <p>23 would -- yeah, after he was off a conversation,</p> <p>24 'cause I tried to let him have his privacy, and he</p> <p>25 would just be crying and upset, and I don't recall</p>
<p style="text-align: right;">Page 39</p> <p>1 and file a claim for benefits?</p> <p>2 A. I didn't know what was covered on that</p> <p>3 policy.</p> <p>4 Q. Sure. But even just to call and inquire,</p> <p>5 you didn't say, "Hey, Dad, maybe you should call</p> <p>6 and see what's going on about that policy."</p> <p>7 You didn't say anything like that?</p> <p>8 A. No.</p> <p>9 Q. And again, that's because you trusted</p> <p>10 your dad to handle his own affairs?</p> <p>11 A. Yes.</p> <p>12 Q. In addition to the insurance, did your</p> <p>13 dad handle his own finances up until -- just to</p> <p>14 draw a line in the sand, let's call it early 2 --</p> <p>15 2016 or January 2016, did your dad handle his own</p> <p>16 finances?</p> <p>17 A. Yes.</p> <p>18 Q. And although he lived with you, did he</p> <p>19 pay anything towards -- to you to live there?</p> <p>20 A. No, he would help with groceries once in</p> <p>21 a while.</p> <p>22 Q. Did he -- Did he otherwise have any</p> <p>23 issues managing his own finances or insurance</p> <p>24 matters or other personal business matters at that</p> <p>25 time?</p>	<p style="text-align: right;">Page 41</p> <p>1 how many times. Maybe twice? Maybe more? I --</p> <p>2 I'm sorry, I don't remember.</p> <p>3 Q. And do you know what insurance company</p> <p>4 specifically he was -- this was about? Was it</p> <p>5 just the insurance company? Like, do you know</p> <p>6 that it was the long-term care insurance</p> <p>7 company --</p> <p>8 A. The --</p> <p>9 Q. -- of being upset?</p> <p>10 A. The long-term care, yes.</p> <p>11 Q. And did he have other long-term care</p> <p>12 insurance?</p> <p>13 A. No.</p> <p>14 Q. So tell me a little bit about when your</p> <p>15 dad was first diagnosed with cancer in 2016. What</p> <p>16 was his condition like when he was -- or -- or</p> <p>17 what led to him going to the doctor to explore</p> <p>18 that?</p> <p>19 A. Do you want just 2016 or do you want when</p> <p>20 it first started?</p> <p>21 Q. Yeah, I think that was a bad question. I</p> <p>22 think what I'm trying to ask is how did your dad</p> <p>23 learn that he had cancer. And I -- I should also</p> <p>24 say I know that this is a hard topic and I</p> <p>25 don't -- you know, I'm sensitive to these issues.</p>

<p style="text-align: right;">Page 42</p> <p>1 Actually my dad also has cancer, and so I don't, 2 by any means, try to upset you. I'm just -- you 3 know, I have to do my job and ask these questions. 4 <b>A. Okay.</b> 5 Q. So I -- I guess so in your own words, you 6 know, what kind of led to the diagnosis and when 7 was that. 8 <b>A. 'Kay. And first off, I'm sorry to hear</b> 9 <b>about your father 'cause I would not wish cancer</b> 10 <b>on anybody.</b> 11 Q. Thank you. I know it's a -- yeah, it's 12 horrible. You and I have a lot in common, though. 13 I have chickens and kids and all that good stuff. 14 So I had to smile a little when you said chicken 15 coop, but go ahead. 16 <b>THE COURT REPORTER:</b> Counsel, I really 17 need you to try to slow down. 18 <b>MS. JONES:</b> Yes, ma'am. Sorry. That was 19 a little bit of a -- a side comment, anyway, if it 20 didn't make the record. I'm just saying I think 21 we have a lot in common, the witness and I. 22 <b>BY MS. JONES:</b> 23 Q. But go ahead, Michelle, if you need me to 24 repeat that question, I'm happy to. 25 <b>A. In maybe September, October of 2015 my</b></p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Well, all of that, I guess. Help me 2 understand, did that take place over the span 3 of -- 4 <b>A. That was --</b> 5 Q. -- a couple months or a couple weeks or 6 days? What was the -- What did that look like? 7 <b>A. It started in September of 2015, and then</b> 8 <b>he was diagnosed with the actual cancer sometime</b> 9 <b>in February of 2016.</b> 10 Q. And during that time did he spend 11 overnight in the hospital? 12 <b>A. Yes.</b> 13 Q. Do you know when that was? 14 <b>A. Well, he was admitted, I believe, in</b> 15 <b>November of 2015, and that is where they diagnosed</b> 16 <b>him with diabetes at that time. And I cannot</b> 17 <b>recall in February if he was actually in the</b> 18 <b>hospital at the VA or if he stayed at the</b> 19 <b>Fisher House next to the hospital there.</b> 20 Q. And that was February of 2016? 21 <b>A. Correct.</b> 22 Q. In November of 2015, do you recall how 23 long he was in the hospital? 24 <b>A. I want to say a week.</b> 25 Q. And then in February 2016 do you know how</p>
<p style="text-align: right;">Page 43</p> <p>1 <b>dad was not eating, he was turning yellow, he was</b> 2 <b>itchy, he had diarrhea, he would have accidents.</b> 3 <b>I called the VA and asked if they could get him in</b> 4 <b>to look at him because the accidents were</b> 5 <b>terrible, and he was yellow and miserable and</b> 6 <b>itchy, and they admitted him to the hospital, and</b> 7 <b>they came up with a diagnosis that he had</b> 8 <b>diabetes, which I don't understand why he would be</b> 9 <b>yellow when you have diabetes because I don't know</b> 10 <b>other people that have diabetes that are yellow.</b> 11 <b>Then they did a lot of testing and sent</b> 12 <b>him home, and things continued to get worse, and</b> 13 <b>he continued to have accidents.</b> 14 <b>And finally, I believe it was in February</b> 15 <b>of 2016, the VA made arrangements for him to go to</b> 16 <b>the VA in Salt Lake City for further testing. And</b> 17 <b>at that time, I believe they did a CAT scan, and</b> 18 <b>they diagnosed him with a pancreatic mass at that</b> 19 <b>time.</b> 20 Q. And just -- just ballpark, do you know 21 when in 2015, 2016 that was? 22 <b>A. What is what?</b> 23 Q. What time of year, what month that was? 24 <b>A. When he was diagnosed, actually, with</b> 25 <b>cancer?</b></p>	<p style="text-align: right;">Page 45</p> <p>1 long he was in the hospital? 2 <b>A. If he was in the hospital then, it would</b> 3 <b>have been maybe two days, three days?</b> 4 Q. And, I'm sorry, what's the -- you said 5 Fisher House? 6 <b>A. Yes.</b> 7 Q. And can you tell me what that is? 8 <b>A. It is a house located near the VA center,</b> 9 <b>and a -- a -- the person that's taking a veteran</b> 10 <b>to the hospital there can stay there for -- I</b> 11 <b>don't know if it's free or a reduced rate.</b> 12 Q. That actually raises a good point that I 13 didn't talk about. 14 Your dad was a veteran. Right? 15 <b>A. Yes.</b> 16 Q. When -- What branch of the military was 17 he with? 18 <b>A. He was in the Army.</b> 19 Q. Do you know when? Was it before you were 20 born? 21 <b>A. Yes.</b> 22 Q. And so as a result of being in the Army, 23 he get VA, veterans affairs benefits? Is that 24 right? 25 <b>A. Yes.</b></p>

<p>Page 46</p> <p>1 Q. Or he did, I should say?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And do you know what those were --</p> <p>4 <b>A. No.</b></p> <p>5 Q. -- (Zoom audio distortion? I'm sorry,</p> <p>6 that was my fault.</p> <p>7 <b>THE COURT REPORTER:</b> I'm sorry. I --</p> <p>8 Counsel, I didn't hear. Did you say "oddly"?</p> <p>9 <b>MS. JONES:</b> I said "broadly."</p> <p>10 <b>THE COURT REPORTER:</b> Broadly.</p> <p>11 <b>MS. JONES:</b> Yeah. Well, I'm trying to be</p> <p>12 slow, and by doing that, I think I'm creating</p> <p>13 pauses and confusing Ms. King, so apologies.</p> <p>14 <b>BY MS. JONES:</b></p> <p>15 Q. I guess the question is broadly do you</p> <p>16 know what his VA benefits were or what they</p> <p>17 covered.</p> <p>18 <b>A. Well, I know he was able to go to the VA</b></p> <p>19 <b>medical center for -- for medical care, but that's</b></p> <p>20 <b>all I know.</b></p> <p>21 Q. Do you know -- You don't know if the VA</p> <p>22 benefits would have also paid for a home nurse or</p> <p>23 anything like that?</p> <p>24 <b>A. For -- Forever or just at certain times?</b></p> <p>25 Q. I mean, I'm -- I'm not sure what you mean</p>	<p>Page 48</p> <p>1 Q. So at that point, then, would they</p> <p>2 automatically place him on hospice because he</p> <p>3 chose not to have any sort of treatment for the</p> <p>4 cancer? Is that --</p> <p>5 <b>A. I --</b></p> <p>6 Q. -- how that worked?</p> <p>7 <b>A. I believe so, yes.</b></p> <p>8 Q. And when he first started the hospice</p> <p>9 care, how would you say he was doing in terms of</p> <p>10 his health.</p> <p>11 <b>A. Terribly.</b></p> <p>12 Q. And -- And again, when did that start?</p> <p>13 In March of 2016 you had said?</p> <p>14 <b>A. What started? What -- What are you</b></p> <p>15 <b>asking what started? I'm sorry.</b></p> <p>16 Q. I apologize, yeah, the hospice care, the</p> <p>17 hospice nurse coming out.</p> <p>18 <b>A. Yes, that started in March of 2016.</b></p> <p>19 Q. And do you know how many days a week the</p> <p>20 hospice nurse would come out? At that time?</p> <p>21 <b>A. I -- No, I don't remember. I don't</b></p> <p>22 <b>know -- I -- 'cause at different times there was</b></p> <p>23 <b>different -- different numbers at different times,</b></p> <p>24 <b>so I don't remember at that time.</b></p> <p>25 Q. Did -- Did they continue coming from</p>
<p>Page 47</p> <p>1 by "forever."</p> <p>2 <b>A. I don't -- I don't -- I guess I don't</b></p> <p>3 <b>understand your question, I'm sorry. I know that</b></p> <p>4 <b>they had a nurse that came out to our house at</b></p> <p>5 <b>certain times.</b></p> <p>6 Q. I -- Yeah. So that's -- that is what I</p> <p>7 was asking.</p> <p>8 Did a -- Did a nurse ever come out sent</p> <p>9 by the VA.</p> <p>10 <b>A. Yes, when he was on hospice, there was a</b></p> <p>11 <b>nurse that would come out from the VA.</b></p> <p>12 Q. And that was only during hospice? He</p> <p>13 didn't have a VA nurse come out any other time</p> <p>14 prior?</p> <p>15 <b>A. Not to my recollection.</b></p> <p>16 Q. And do you know when the hospice started.</p> <p>17 <b>A. Sometime in March of 2016.</b></p> <p>18 Q. So what did your dad decide to do with</p> <p>19 regard to his cancer treatment.</p> <p>20 <b>A. Live each day to the fullest.</b></p> <p>21 Q. So your dad decided not to go through</p> <p>22 with any chemotherapy or radiation, or maybe that</p> <p>23 wasn't an option, but he didn't do that. Is that</p> <p>24 right?</p> <p>25 <b>A. Correct.</b></p>	<p>Page 49</p> <p>1 March 2016 until your dad passed in November of</p> <p>2 2016?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Was there a time when they were there</p> <p>5 every day?</p> <p>6 <b>A. Maybe towards the end, but I don't think</b></p> <p>7 <b>they came every day 'cause they didn't come on</b></p> <p>8 <b>weekends. So five days a week, maybe, towards the</b></p> <p>9 <b>end there?</b></p> <p>10 Q. And do you know what they were doing for</p> <p>11 him while they were there? Did you see it?</p> <p>12 <b>A. Yes. They would check his vitals, they</b></p> <p>13 <b>would assess his body for marks and wounds and bed</b></p> <p>14 <b>sores.</b></p> <p>15 Q. Would they have helped him with other</p> <p>16 things if he needed it, like going to the bathroom</p> <p>17 or getting food?</p> <p>18 <b>A. No, that -- they would not.</b></p> <p>19 Q. What was the name of the hospice</p> <p>20 provider.</p> <p>21 <b>A. St. Peter's Hospice?</b></p> <p>22 Q. And so even though you said it was the</p> <p>23 VA, was it paid for by the VA but it was</p> <p>24 St. Peter's, or is St. Peter's also the VA? I'm</p> <p>25 just trying to understand that piece.</p>

<p style="text-align: right;">Page 50</p> <p>1 A. No, the VA, as far as I know, does not                  2 have a hospice program, so it was through the                  3 community St. Peter's Hospital hospice.                  4 Q. And who paid for the hospice?                  5 A. I don't know if that was Medicare or if                  6 that was the VA. I'm sorry, I don't know.                  7 Q. When did you start handling your dad's                  8 financial affairs or paying for things like                  9 hospice?                  10 A. I don't recall ever paying anything for                  11 hospice.                  12 Q. Did you handle any sort of arrangement                  13 for hospice or Medicare? In other words, did you                  14 talk to hospice or Medicare to arrange for payment                  15 to ensure that those things were paid for?                  16 A. No, I believe that was all arranged                  17 through the VA.                  18 Q. And when your dad -- I guess when hospice                  19 first started in March of 2016, did you still                  20 trust your dad to handle his financial affairs and                  21 the insurance policy?                  22 A. Yes.                  23 Q. Do you know why your dad did not call the                  24 insurance company when he was diagnosed with                  25 cancer and put on hospice?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. And is -- is that also because you                  2 trusted your dad because he knew insurance?                  3 A. Yes.                  4 Q. Would you say that your dad knew how to                  5 read an insurance policy and understand one.                  6 A. Yes.                  7 Q. Did you ever have -- have any doubt that                  8 your dad didn't understand an insurance policy                  9 that he had.                  10 A. No.                  11 Q. Do you think your dad would have                  12 purchased an insurance policy that he didn't                  13 understand.                  14 A. No.                  15 Q. I'm just gonna take that -- one second,                  16 I'm not gonna take a break, but I just want to ask                  17 the court reporter, Mary, if I want to share                  18 exhibits by sharing my screen, are we set up to do                  19 that?                  20 THE COURT REPORTER: I'm not sure. Can                  21 we go off the -- the record, Counsel, and give it                  22 a test?                  23 MS. JONES: Absolutely.                  24 And Ms. King, if you want to take a short                  25 break while we figure that out, feel free. If</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I do not, but I know that he had said                  2 when he had talked to them previously that they                  3 would not pay a -- a family member, so I don't                  4 know why he did not call.                  5 Q. Well, so -- so you just mentioned you                  6 didn't really talk to him much about the policy.                  7 When did he tell you that it didn't cover                  8 a family member?                  9 A. Well, clear back in 2013 he had a                  10 wound -- no -- no, that was in 2011. In 2013 he                  11 had called and asked some question, and that --                  12 whoever he spoke to said they would not pay a                  13 family member for any care.                  14 Q. When did he tell you that?                  15 A. In 2013.                  16 Q. Did -- Did he tell you anything else in                  17 2013 about the policy or the insurance?                  18 A. No.                  19 Q. Did you ever question that, what he was                  20 told by the insurance company?                  21 A. No.                  22 Q. You didn't say "That sounds odd" or "Can                  23 we look into that" or "I want to investigate that                  24 further"?                  25 A. No, I was -- No. I was a mom, I did not.</p>	<p style="text-align: right;">Page 53</p> <p>1 not, that's also okay. We've been going for about                  2 an hour, so...                  3 THE VIDEOGRAPHER: Time is 10:19. Going                  4 off the record.                  5 (Recess taken from 10:19 a.m. to 10:27                  6 a.m.)                  7 THE VIDEOGRAPHER: Time is 10:27. Back                  8 on the record.                  9 BY MS. JONES:                  10 Q. All right. We're back on the record                  11 after a short break. Thanks again, Ms. King. So                  12 I am going to share my screen. Let me know if you                  13 can't see this for any reason.                  14 Can you see a document on my screen?                  15 A. Yes.                  16 Q. And have you ever seen the complaint in                  17 this matter?                  18 I can scroll through this slowly, but do                  19 you see where it says "COMPLAINT AND DEMAND FOR                  20 JURY TRIAL"?                  21 A. Yes.                  22 Q. Do you recall seeing this before?                  23 A. Yes.                  24 Q. Did you sign this?                  25 A. Yes.</p>



<p style="text-align: right;">Page 54</p> <p>1 <b>MR. BIDEGARAY:</b> I object. No, the 2 document speaks for itself. There's no signature 3 of hers on there, and you know that. 4 <b>MS. JONES:</b> I -- I can't hear you, I'm 5 sorry, Dan. 6 <b>MR. BIDEGARAY:</b> The document speaks for 7 itself. You know there's no signature of hers on 8 that document. 9 <b>MS. JONES:</b> I'm not sure about that. 10 <b>MR. BIDEGARAY:</b> Well, look at -- Well, 11 look at it. Show me where the signature is of 12 hers. 13 <b>MS. JONES:</b> You know, you scolded me 14 quite a bit for speaking objections during these 15 depositions. I'm gonna make the same suggestion 16 that you don't do that. Okay. Fair, Dan, I 17 appreciate it. Wasn't trying to catch her in some 18 sort of lie. I myself thought that she might have 19 verified it. 20 <b>BY MS. JONES:</b> 21 Q. Ms. King, do you know where the facts 22 came from for this complaint? 23 <b>A. Medical records?</b> 24 Q. And did you provide the medical records? 25 <b>MR. BIDEGARAY:</b> I'm --</p>	<p style="text-align: right;">Page 56</p> <p>1 <b>MS. JONES:</b> Dan, this is not a privileged 2 question. And again, the irony here is rich 3 compared to what you asked my witnesses. All I'm 4 asking for -- She is the plaintiff in this action, 5 she -- there's a complaint for -- on her benefit 6 where she is the complainant. I'm simply asking 7 where the information in the complaint came from. 8 That is all I'm asking. I'm not asking privileged 9 information. 10 <b>MR. BIDEGARAY:</b> Same objection. 11 Any discussions you and I had with regard 12 to drafting of the complaint or anything related 13 to this case, I instruct you not to answer it. 14 <b>MS. JONES:</b> I'm gonna move to strike the 15 improper speaking objection of counsel. 16 Are you instructing her not to answer 17 where did the information in the complaint come 18 from. 19 <b>MR. BIDEGARAY:</b> Same -- Same objection I 20 made. 21 <b>MS. JONES:</b> Well, I think, Dan, are you 22 instructing her not -- I think she -- she 23 doesn't -- she needs instruction. Are you telling 24 her not to answer that question. 25 <b>MR. BIDEGARAY:</b> To the extent that</p>
<p style="text-align: right;">Page 55</p> <p>1 <b>A. No.</b> 2 <b>MR. BIDEGARAY:</b> I'm gonna object, and I'm 3 gonna instruct you not to answer any questions as 4 to whether any discussions that you had with us 5 and how this complaint was drafted or what your 6 input with -- was with me, I instruct you not to 7 answer any question with regard to any 8 attorney-client communication. 9 <b>MS. JONES:</b> I wasn't asking any 10 attorney-client privilege, I was asking where the 11 information in the complaint came from. 12 <b>MR. BIDEGARAY:</b> And to the extent that 13 any discussion with me was part of how that 14 complaint was drafted, I instruct you not to 15 answer it. 16 <b>MS. JONES:</b> Your objection's understood. 17 <b>BY MS. JONES:</b> 18 Q. Ms. King, where did the information in 19 the complaint come from. Do you know? 20 <b>A. I do not know.</b> 21 Q. Did it come from you? 22 <b>MR. BIDEGARAY:</b> Objection. Same 23 instruction. 24 If you ask it again, I'll terminate the 25 deposition.</p>	<p style="text-align: right;">Page 57</p> <p>1 anything in that complaint is a result of 2 conversations you have had with me, I instruct you 3 not to answer it. 4 If -- If you know how to answer the 5 question without getting into attorney-client 6 communications, feel free to try to answer it. 7 But if you don't, you don't. 8 <b>BY MS. JONES:</b> 9 Q. Okay. I'm sorry about that, Ms. King. 10 Again, was this -- who -- where did the 11 information in the complaint come from. 12 <b>MR. BIDEGARAY:</b> Same objection. 13 <b>MS. JONES:</b> It -- It's the same question, 14 so the objection is understood. I'm just trying 15 to get an answer. 16 <b>BY MS. JONES:</b> 17 Q. You can answer to the best of your 18 ability. 19 <b>MR. BIDEGARAY:</b> Without getting into 20 discussions. 21 <b>BY MS. JONES:</b> 22 Q. Based on counsel's instruction, which he 23 said three times. 24 <b>A. I have no answer.</b> 25 Q. All right. That's fair.</p>

<p style="text-align: right;">Page 58</p> <p>1 I'm gonna show you a record, I believe</p> <p>2 it's this one. No, give me one moment. Whoops.</p> <p>3 Give me one second.</p> <p>4 Okay. Ms. King, can you see the document</p> <p>5 on my screen?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Do you see what it says at the top?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Okay. And it says "St. Peter's Hospice</p> <p>10 Skilled Nursing Admission Visit." Is that right?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And the date here is March 24, 2016. Is</p> <p>13 that right?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And the clinician, or I suppose the</p> <p>16 nurse, was Brenda Tubbs. Is that right?</p> <p>17 Do you see that? It's right here.</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And do you know -- Who is Brenda Tubbs?</p> <p>20 Do you remember her?</p> <p>21 <b>A. I do not.</b></p> <p>22 Q. Do you recall if she was ever at your</p> <p>23 home?</p> <p>24 <b>A. I -- No, I do not.</b></p> <p>25 Q. Okay. I'm -- I'm scrolling, although you</p>	<p style="text-align: right;">Page 60</p> <p>1 <b>yourself, move yourself around, you need to be</b></p> <p>2 <b>able to eat, you need to be able to bathe</b></p> <p>3 <b>yourself?</b></p> <p>4 Q. Where did you learn that information</p> <p>5 from.</p> <p>6 <b>A. From reading that I've done?</b></p> <p>7 Q. Do you know what kind of reading or</p> <p>8 what -- where you read it?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Do you see here where it says [As Read]:</p> <p>11 "Activities of Daily Living: Able to perform ADLs</p> <p>12 independently"?</p> <p>13 Did I read that right?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And underneath it it says "Instrumental</p> <p>16 Activities of Daily Living."</p> <p>17 Do you know what the -- what</p> <p>18 "Instrumental Activities of Daily Living" are.</p> <p>19 <b>A. Not right off I do not.</b></p> <p>20 Q. It does say here "Able to perform all</p> <p>21 IADL's independently."</p> <p>22 Do you see that?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Do you see where it says "Neurologic</p> <p>25 Overview Assessment" entry on 3/24/2016 2016 at</p>
<p style="text-align: right;">Page 59</p> <p>1 can always ask me to stop and read this document.</p> <p>2 I'm -- I'm gonna do the best I can. This document</p> <p>3 is about 13 pages. I'm not asking you to read the</p> <p>4 whole thing, but you have that opportunity if you</p> <p>5 want to just tell me.</p> <p>6 So do you see here -- it's the same</p> <p>7 document. It says "St. Peter's Hospice Skilled</p> <p>8 Nursing Admission Visit."</p> <p>9 Do you see that?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. And again, excuse me, the date is</p> <p>12 March 24, 2016?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Do you see where it says "Activities of</p> <p>15 Daily Living"?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Do you know what "Activities of Daily</p> <p>18 Living" are?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. What are they? Or what I should -- what</p> <p>21 is an activity of daily living.</p> <p>22 <b>A. Being able to go to the bathroom by</b></p> <p>23 <b>yourself?</b></p> <p>24 Q. Anything else?</p> <p>25 <b>A. You need to be able to transport</b></p>	<p style="text-align: right;">Page 61</p> <p>1 the top of the page?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. It says "Sensation: Denies experiencing</p> <p>4 altered sensation."</p> <p>5 Did I read that correctly?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. "Weakness: No evidence of weakness."</p> <p>8 Did I read that correctly?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. "Headache: Denies headaches."</p> <p>11 Did I read that right?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Okay. And then "Senses." Says [As</p> <p>14 Read]: "No evidence of self -- sense deficits."</p> <p>15 Did I read that right?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Then right below here it says "Signature</p> <p>18 for: Details:Consent for Care/Service/ Tx;</p> <p>19 Insurance Payer Verification; Medicare Secondary</p> <p>20 Payer Form; Notice of Election."</p> <p>21 Do you see that?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And again, based on your recollection,</p> <p>24 hospice care was paid for by the VA and/or</p> <p>25 Medicare?</p>

<p style="text-align: right;">Page 62</p> <p>1 <b>A. Yes.</b>                  2 Q. Do you see here where it says                  3 "Appearance: Patient is neat and clean, personal                  4 hygiene adequate."                  5 <b>A. Yes.</b>                  6 Q. And "Behavior," it says "No adverse                  7 behaviors present."                  8 Do you see that?                  9 <b>A. Yes.</b>                  10 Q. And again, if I'm scrolling too quickly,                  11 please do let me know. There's a lot of other                  12 information on here. But I'm trying to get to the                  13 bottom. I just want to, again, continue along.                  14 Here it says "Medication Management                  15 Overview Assessment." "Medications: Able to                  16 independently prepare and take all prescribed                  17 medications."                  18 Do you see that?                  19 <b>A. Yes.</b>                  20 Q. And here it's an "Assess Risk: Falls."                  21 Do you see that?                  22 <b>A. Yes.</b>                  23 Q. It says "Use of ambulatory device."                  24 Do you know what kind of ambulatory                  25 device that would be referring to?</p>	<p style="text-align: right;">Page 64</p> <p>1 the screen?                  2 <b>A. Yes.</b>                  3 Q. Actually, let me take one step back for                  4 the court reporter.                  5 <b>MS. JONES:</b> Madam Court Reporter, I will                  6 send you the exhibits, but I'd like to mark this                  7 exhibit, which is the skilled nursing admission                  8 visit as Exhibit 1.                  9 <b>THE COURT REPORTER:</b> Thank you.                  10 <b>EXHIBIT:</b>                  11 (Deposition Exhibit 1 marked for                  12 identification.)                  13 <b>BY MS. JONES:</b>                  14 Q. Okay. So can you see this document,                  15 Ms. King?                  16 <b>A. Yes.</b>                  17 Q. A different document?                  18 It says "St. Peter's Hospice." Right?                  19 <b>A. Yes.</b>                  20 Q. And it says "Hospice Plan of Care."                  21 Do you see that?                  22 <b>A. Yes.</b>                  23 Q. And the date on this -- and I'm -- it's                  24 only three pages long, I'm just gonna scroll down                  25 so you can see the date.</p>
<p style="text-align: right;">Page 63</p> <p>1 <b>A. A walker, maybe? Wheelchair?</b>                  2 Q. At this time do you recall, did your dad                  3 have a walker?                  4 <b>A. Yes.</b>                  5 Q. Was there a time when he switched to                  6 having a wheelchair?                  7 <b>A. On and off throughout many years, yes.</b>                  8 Q. Okay. Here it says "Risk Profile                  9 Description: Patient risk for falls is mild."                  10 Do you see that?                  11 <b>A. Yes.</b>                  12 Q. And then this says it was electronically                  13 signed by Brenda Tubbs RN on March 25, 2016.                  14 Do you see that?                  15 <b>A. Yes.</b>                  16 Q. And again, do you know who Brenda Tubbs                  17 was or do you recall meeting Brenda Tubbs?                  18 <b>A. I do not.</b>                  19 Q. Do you recall someone from the VA or from                  20 St. Peter's Hospice coming to your home to review                  21 your dad or to interview and assess your dad?                  22 <b>A. I do not recall a nurse. I recall</b>                  23 <b>somebody coming to set up his plan of care, like</b>                  24 <b>what to expect, what they could provide.</b>                  25 Q. Okay. And can you see this document on</p>	<p style="text-align: right;">Page 65</p> <p>1 The date looks like it's either April 27                  2 or April 22, April 26. There's a couple dates on                  3 here.                  4 Do you see those dates?                  5 <b>A. Yes.</b>                  6 Q. Would you agree with me that this is from                  7 somewhere around -- actually there's another date,                  8 it says prepared by Brenda Tubbs on 3/28/2016                  9 2016.                  10 Would you agree with me that this is from                  11 around that time period, March to April of 2016.                  12 <b>A. Yes.</b>                  13 Q. Do you know if your dad had submitted a                  14 claim for benefits under the insurance policy                  15 we've been talking about at this time.                  16 <b>A. Can you repeat the question, please?</b>                  17 Q. Sure. At this time, in around March or                  18 April of 2016, do you know if your dad submitted a                  19 claim for benefits to the long-term care insurance                  20 company.                  21 <b>A. I do not know.</b>                  22 Q. So this again says "Interdisciplinary                  23 Careplan."                  24 Is this the plan of care that you were                  25 just referencing in your prior testimony? And if</p>



<p>Page 66</p> <p>1 you need me to scroll through it, please let me 2 know. 3 <b>A. Yeah, could you scroll down a little bit, 4 please?</b> 5 Q. Yes. And again, tell me if I'm going too 6 slow or too fast. This is the worst part of 7 the -- 8 <b>A. It's perfect. Thank you.</b> 9 Q. -- documents not -- and me not being 10 there. 11 So it's a three-page document, but it 12 looks like the bulk is in two pages, so I'll go 13 back so you can see. 14 And again, let me know if you need me to 15 rescan or rescroll any of this. 16 <b>A. Can you repeat what your question was 17 previously, please?</b> 18 Q. Sure. All I said was is this the hospice 19 plan of care you had referenced in your prior 20 testimony that St. Peter's had sent a nurse or 21 someone to do a plan of care. 22 <b>A. I am not totally sure. I know -- recall 23 them just sending somebody out, and, I mean, that 24 was a terrible time for me, I'm sorry, I -- I 25 don't know if this was the exact document at that</b></p>	<p>Page 68</p> <p>1 <b>A. That -- That's better. Thank you.</b> 2 <b>Can you scroll down?</b> 3 Q. Yep. 4 <b>A. And if you could scroll a little more, 5 please?</b> 6 Q. Of course. 7 <b>A. Oh.</b> 8 Q. Did I scroll too much? 9 <b>A. No, that was good.</b> 10 Q. Okay. 11 <b>A. Okay. You can -- Is there more to scroll 12 or was that the second page? That was it.</b> 13 Q. That was the second page, yeah. This is 14 the signature page I had shown you earlier. 15 Okay. So I'm gonna go back up to where 16 we just read. It says "Nursing," "Assess: 17 Advance Directive, Cardiac Function, 18 Gastrointestinal Overview Assessment, Heart 19 Sounds, Infection, Integumentary Overview 20 Assessment, Medication Management Overview 21 Assessment, Neurologic Overview Assessment, 22 Nutrition/Hydration Overview Assessment, Pain 23 Overview Assessment, Psychological Overview 24 Assessment, Renal/Urinary Overview Assessment, 25 Respiratory Overview Assessment, Spiritual</p>
<p>Page 67</p> <p>1 <b>time or not.</b> 2 Q. Not a worry. 3 Would you agree with me that it said 4 "Hospice Plan of Care" at the top. 5 <b>A. Yes.</b> 6 Q. And I want to -- I'm gonna scroll through 7 very slowly, I suppose. At this time it says 8 "Visit Orders: Nursing," from March 23rd, 2016 9 through June 21 of 2016 they are ordering one 10 visit every week for 14 weeks to manage symptoms 11 or "symptom management." 12 Do you see that? 13 <b>A. Yes.</b> 14 Q. And again, if I'm going too fast, let me 15 know, I want you to be able to -- to see this. 16 You know what I can probably do is 17 minimize it slightly so maybe you can see more on 18 one page. 19 Did that help? Can you still see it or 20 did I make it too small? 21 <b>A. I -- I can see it. Just -- It's a 22 struggle.</b> 23 Q. I can make it a little bit bigger. Here 24 we go. I was just trying to fit more of the 25 document so you don't have to have me scroll.</p>	<p>Page 69</p> <p>1 Overview Assessment," and "Vital Signs." 2 Did I read that right? 3 <b>A. Yes.</b> 4 Q. Do you see anything about activities of 5 daily living in that nursing section or anywhere 6 else in this plan of care? And again, I can 7 scroll for as much as you'd like. 8 <b>A. No.</b> 9 Q. Okay. I'm sorry, so you would agree with 10 me, then, that this plan of care does not say 11 anything about ADLs. 12 <b>A. Not --</b> 13 Q. Activities of daily living. 14 <b>A. Not that I have seen, no.</b> 15 Q. Okay. And if you need longer, please do 16 let me know. I'm not -- I don't want to take it 17 away from you. 18 <b>A. I don't see anything.</b> 19 Q. Okay. 20 <b>MS. JONES:</b> So Madam Court Reporter, this 21 March Hospice Plan of Care will be marked as 22 Exhibit 2. 23 <b>THE COURT REPORTER:</b> Thank you. 24 <b>EXHIBIT:</b> 25 (Deposition Exhibit 2 marked for</p>

<p style="text-align: right;">Page 70</p> <p>1 identification.)</p> <p>2 <b>BY MS. JONES:</b></p> <p>3 Q. Okay. So Ms. King, was your dad still</p> <p>4 fairly active at this time in terms of working</p> <p>5 outside or going to his workshop.</p> <p>6 <b>A. It depended on the day.</b></p> <p>7 Q. Was he able sometimes to work in his wood</p> <p>8 shop.</p> <p>9 <b>A. Occasionally, yes.</b></p> <p>10 Q. Do you remember what he was doing, then,</p> <p>11 or things he was making in the wood shop?</p> <p>12 <b>A. Probably birdhouses.</b></p> <p>13 Q. Did he make a lot of birdhouses?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Did you help your dad while he was living</p> <p>16 with you in terms of providing him with care?</p> <p>17 <b>A. I'm not sure I understand the question.</b></p> <p>18 Q. Sure. Maybe that was poorly worded.</p> <p>19 Did you provide your dad with care while</p> <p>20 he lived with you.</p> <p>21 <b>A. I -- I don't know what you mean by "care"</b></p> <p>22 <b>specifically.</b></p> <p>23 Q. I just -- It's a pretty broad question.</p> <p>24 Did -- I guess did you care for your dad. Did you</p> <p>25 help him with things.</p>	<p style="text-align: right;">Page 72</p> <p>1 helping him get up out of chairs?</p> <p>2 <b>A. Not to my knowledge.</b></p> <p>3 Q. Did you ever talk about the insurance</p> <p>4 policy with your siblings?</p> <p>5 <b>A. No.</b></p> <p>6 Q. Did you ever talk to your siblings about</p> <p>7 getting your dad a caregiver or a -- a nurse to</p> <p>8 come in and help him?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Why not?</p> <p>11 <b>A. Because I was there and I was doing it.</b></p> <p>12 Q. You were also working, though, about</p> <p>13 20 hours a week. Right?</p> <p>14 <b>A. 15 to 20 hours, and I could work at</b></p> <p>15 <b>different times. I didn't have a set schedule.</b></p> <p>16 Q. Why did you not want a nurse to come in</p> <p>17 to assist your dad?</p> <p>18 <b>A. My dad was a very proud man, and he</b></p> <p>19 <b>didn't exactly like to have to be taken care of.</b></p> <p>20 <b>He was not comfortable having a lot of other</b></p> <p>21 <b>people around.</b></p> <p>22 Q. I understand. When the hospice nurses</p> <p>23 were coming, though, they were allowed to come in</p> <p>24 or your dad accepted them assisting him. Is that</p> <p>25 right?</p>
<p style="text-align: right;">Page 71</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Did you ever keep a log or a diary of the</p> <p>3 care that you provided to your dad?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Did you otherwise have any record of care</p> <p>6 that you provided to your dad?</p> <p>7 <b>A. Just in my head.</b></p> <p>8 Q. And did any of your siblings ever provide</p> <p>9 care to your dad?</p> <p>10 <b>A. Yes. When I asked for help, they would</b></p> <p>11 <b>come assist.</b></p> <p>12 Q. And what kind of assistance would they</p> <p>13 give? Was it -- I'm sorry. The first question is</p> <p>14 fine.</p> <p>15 What kind of assistance did they give?</p> <p>16 <b>A. They would help him get up out of a</b></p> <p>17 <b>chair, they would help him move around when</b></p> <p>18 <b>I -- my back needed a break.</b></p> <p>19 Q. And when -- when was that? When did that</p> <p>20 start? Was it during the hospice care period or</p> <p>21 was it before then.</p> <p>22 <b>A. Before then.</b></p> <p>23 Q. Did any of your siblings ever say to your</p> <p>24 dad, you know, "Hey, you should maybe look into</p> <p>25 submitting an insurance claim" when they were</p>	<p style="text-align: right;">Page 73</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Did your dad ever pay you to take care of</p> <p>3 him?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Did he ever pay your siblings?</p> <p>6 <b>A. No.</b></p> <p>7 Q. Did he ever pay anybody else to take care</p> <p>8 of him?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Did you ever have any sort of -- I think</p> <p>11 you already answered this, but I just want to be</p> <p>12 clear -- any sort of formal caregiver come in</p> <p>13 beyond hospice care?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Do you know when your dad first submitted</p> <p>16 a claim under the insurance policy.</p> <p>17 <b>A. I do not.</b></p> <p>18 Q. Do you know a ballpark of the time when</p> <p>19 he might have started the insurance claim.</p> <p>20 <b>A. 2016?</b></p> <p>21 Q. Do you know when in 2016?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Did your dad tell you he was calling the</p> <p>24 insurance company in 2016?</p> <p>25 <b>A. No.</b></p>

<p style="text-align: right;">Page 74</p> <p>1 Q. So you weren't there when your dad first 2 called the insurance company? 3 <b>A. I may have been there, but I tried to 4 give him privacy. I could have been outside the 5 day. I'm -- I don't know.</b> 6 Q. Oh, I'm sorry. I should have said you 7 weren't there in the room with him or on the 8 other -- on the phone with him when he first 9 called. 10 <b>A. Correct.</b> 11 Q. Do you recall if your dad said anything 12 to you after he first called. Did he tell you 13 that a claim had been started with the long-term 14 care insurance company. 15 <b>A. No.</b> 16 Q. When did you first learn that a claim had 17 been started with the long-term care insurance 18 company. 19 <b>A. Can you repeat the question?</b> 20 Q. Sure. When did you first learn that 21 there was a claim that your dad had submitted. 22 <b>A. Maybe August 2016?</b> 23 Q. And at that time, do you know what had 24 already transpired or had you -- what -- what was 25 your involvement in August of 2016. Maybe that's</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Is that because it was a long time ago? 2 <b>A. Yes, and it was a very hard time.</b> 3 Q. Understood. Do -- Do you remember if 4 anybody else was there, besides you and your dad, 5 from your family? 6 <b>A. I don't remember.</b> 7 Q. I'm gonna -- Give me one second. I'm 8 gonna share my screen again. 9 I'm sorry, there's some background noise 10 on my end. Give me one second. I am trying to 11 pull up a document. 12 Okay. So have you ever seen -- I just 13 pulled up a document that says "Instructions For 14 Filing a New Long Term Care Claim." 15 Have you ever seen this document before? 16 <b>A. Can you scroll down, please?</b> 17 Q. Sure. Let me know if I'm going too fast. 18 <b>A. And can you repeat what your question 19 was, please?</b> 20 Q. Yeah. I had just asked if you had seen 21 this document before. Let me know if -- Are you 22 able to answer that, or do you need me to scroll 23 lower? Let me know. 24 <b>A. I'm just trying to think back in my 25 memory.</b></p>
<p style="text-align: right;">Page 75</p> <p>1 the better question. 2 <b>A. I believe I had called somebody for 3 something, I don't recall what I was calling for, 4 but at that time he was upset.</b> 5 And I said, "Well, I will call," but I 6 don't remember what I was calling about. 7 Q. Did he tell you why he was upset? Do you 8 remember what he said at -- at that time what 9 might have upset him in August of 2016? 10 <b>A. No.</b> 11 Q. But you remember that in August of 2016 12 he was upset. 13 <b>A. Yes.</b> 14 Q. Do you know if there was a nurse assessor 15 that was sent by the insurance company in 2016 to 16 your house? 17 <b>A. Yes.</b> 18 Q. Were you there and present with that 19 nurse assessor? 20 <b>A. I believe so.</b> 21 Q. Did you give that nurse assessor 22 information about your dad? 23 <b>A. If she asked me a question, I'm sure I 24 did. I don't -- I don't remember the actual 25 assessment.</b></p>	<p style="text-align: right;">Page 77</p> <p>1 Q. No worries. Take your time. Just -- 2 Again, this is dated July 27, 2016. 3 <b>A. I don't recall right off, but I'm sure I 4 must have seen it before.</b> 5 Q. So this says -- it's dated July 27, 2016. 6 Right? 7 <b>A. Yes.</b> 8 Q. Is that around the time your dad had 9 called the insurance company to start a claim? 10 <b>A. I -- I don't know.</b> 11 Q. And here it says [As Read]: "The claim 12 packet is being sent to you because you or your 13 representative contacted our office on July 25, 14 2016 about filing a claim under your Long Term 15 Care insurance policy." 16 Do you see that? 17 <b>A. Yes.</b> 18 Q. Would you believe that to be accurate? 19 <b>A. Yes.</b> 20 Q. And would you agree that this is a form 21 instructing or providing instructions, I should 22 say, on how to complete the claim? 23 <b>A. Yes.</b> 24 Q. And do you see here where I'm gonna 25 highlight just a moment -- whoops -- just a</p>

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1 minute, not do that. Oh, goodness. Okay, well,  
2 I'm not gonna highlight it because for whatever  
3 reason that didn't work.  
4 But here it says "You are requesting Home  
5 Health Care benefits."  
6 Do you see that?  
7 **A. Yes.**  
8 Q. Do you know what "Home Health Care  
9 benefits" are?  
10 **A. I don't know in the legal terms. I know**  
11 **what I think in my head.**  
12 Q. That's fine. Answer to the best of your  
13 ability.  
14 **A. Benefits that -- that allow you to stay**  
15 **at home.**  
16 Q. What about the health care piece? Is  
17 that to receive care at home?  
18 **A. Yes.**  
19 Q. And do you see that it says there was  
20 a -- there's a 60-day elimination period and a  
21 maximum daily benefit of \$100 for home health  
22 care.  
23 Do you see that in the next sentence?  
24 **A. Yes.**  
25 Q. And it says "no benefits are payable

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1 during the Elimination Period, if applicable."  
2 Do you see that?  
3 **A. Yes.**  
4 Q. And it says "Covered services will result  
5 in a credit toward meeting the Elimination Period.  
6 We will require copies of itemized billing during  
7 the Elimination Period phase."  
8 Do you see that?  
9 **A. Yes.**  
10 Q. Do you believe that your dad understood  
11 what this meant?  
12 **A. I was not in my dad's head, so I don't**  
13 **know.**  
14 Q. Do you believe that if your dad didn't  
15 understand this he would have called the insurance  
16 company to ask about it.  
17 **A. It would depend on the day if -- how he**  
18 **was feeling.**  
19 Q. But you had testified that you trusted  
20 your dad to handle his insurance affairs. Is that  
21 right?  
22 **A. Yes.**  
23 Q. Okay.  
24 **MS. JONES:** Madam Claims Examiner [sic]  
25 I'm going to mark the instructions for filing a

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1 new long-term care claim as number -- Exhibit 3.  
2 **EXHIBIT:**  
3 (Deposition Exhibit 3 marked for  
4 identification.)  
5 **BY MS. JONES:**  
6 Q. And I'm gonna move on to the next  
7 document.  
8 Whoops. It's not supposed to be that  
9 one.  
10 Okay. Do you see this document?  
11 **A. Yes.**  
12 Q. I'll scroll fairly slowly, but the  
13 question I'm gonna ask, so that you have it, is  
14 have you seen this document before. It's 20  
15 pages, so if you don't recognize it, that's fine,  
16 or I can keep scrolling. Just let me know.  
17 **A. Well, I see my signature on it, so I must**  
18 **have seen it.**  
19 Q. Okay. And I'll -- I'll go through it  
20 slowly so I'm not gonna trip you up on anything.  
21 So here it says it's an assessment review  
22 summary, and that the request was dated July 26,  
23 twenty-seven -- 2016, which that was a day after  
24 that letter said your dad submitted his claim.  
25 Right?

Page 81

1 **A. Yes.**  
2 Q. And the date of this assessment was about  
3 six days later on August 2nd, 2016?  
4 Do you see that?  
5 **A. Yes.**  
6 Q. And it looks like the person who  
7 completed this was named -- actually, I apologize.  
8 Teresa Johnson?  
9 Do you see that?  
10 **A. Yes.**  
11 Q. Do you remember Ms. Johnson at all coming  
12 to the home?  
13 **A. I don't remember that name. I know there**  
14 **was a lot of people throughout the years. I don't**  
15 **recall that name.**  
16 Q. But do you recall someone from the  
17 insurance -- or sent by the insurance company to  
18 come talk to you about your dad?  
19 **A. Yes.**  
20 Q. And the authorization, pursuant to HIPAA  
21 or health -- information pursuant to health  
22 insurance portability and accountability act of  
23 1996 was signed by you. Is that right? That's  
24 your signature?  
25 **A. Yes.**

<p>Page 82</p> <p>1 Q. And here it states that you are the power 2 of attorney, right here, and guardian. 3 Do you see that? 4 <b>A. Yes.</b> 5 Q. And again, it says your dad 6 went -- worked in insurance and he went to 7 college. I didn't -- I'm not sure I asked, where 8 did your dad go to college. 9 <b>MR. BIDEGARAY:</b> Objection. Form. 10 <b>BY MS. JONES:</b> 11 Q. You can answer. Where did your dad go to 12 college. 13 <b>A. Black Hills State, I believe?</b> 14 Q. Do you know what degree he had? 15 <b>A. I believe he had a teaching certificate?</b> 16 Q. Did he have a bachelor's degree, a 17 bachelor's of arts, bachelor's of science? Do you 18 know? 19 <b>A. I don't know.</b> 20 Q. 'Kay. And then it here it says, again, 21 that he had Medicare Part A and Medicare Part B 22 and veteran's benefits. 23 Do you see that? I highlighted them. 24 <b>A. Yes.</b> 25 Q. Is that accurate?</p>	<p>Page 84</p> <p>1 <b>A. Yes.</b> 2 Q. Then here it says "Does the Insured 3 currently have care in place?" "Yes" is checked, 4 and then it says the provider is St. Peter's 5 Hospice. And I highlighted it. It says providing 6 personal care and ADL's three times a week 7 starting March 24th, 2016. 8 Do you see that? 9 <b>A. Yes.</b> 10 Q. Where did this information come from, if 11 you recall. Would it have come from you? 12 <b>A. No.</b> 13 Q. Do you know where it would have come from 14 otherwise? 15 <b>A. No.</b> 16 Q. Here it says "Driving: Is the Insured 17 currently driving?" And it said no. And then "If 18 no, when did the Insured stop driving," and it 19 says September of 2015. 20 Do you see that? 21 <b>A. Yes.</b> 22 Q. Is that accurate? 23 <b>A. Yes.</b> 24 Q. Do you know where this information would 25 have come from?</p>
<p>Page 83</p> <p>1 <b>A. Yes.</b> 2 Q. And primary physician there's -- it looks 3 like there's four blocks for physicians, and the 4 only one listed is James Meyer. Is that right? 5 <b>A. That's the only one listed, yes.</b> 6 Q. Do you know at that time what doctors 7 your dad was seeing? 8 <b>A. Is this in, like -- we didn't see any</b> 9 <b>doctors in 2016. Once he was diagnosed with</b> 10 <b>cancer, he canceled everything.</b> 11 Q. Starting in March of 2016. 12 <b>A. Yes.</b> 13 Q. Is that right? Okay. And so beyond 14 Dr. Meyer, there were no other doctors your dad 15 was seeing at this time. Right? 16 <b>A. Correct.</b> 17 Q. And then it says "Has Insured been 18 hospitalized," and it says yes, "Salt Lake City." 19 That's the one hospitalization you had mentioned 20 earlier. Right? 21 <b>A. Yes.</b> 22 Q. The one before that isn't mentioned, 23 though. Is it the one -- the 2015 admission for 24 diabetes diagnosis? November 2015 you had -- you 25 had said. That was not on here. Is that right?</p>	<p>Page 85</p> <p>1 <b>A. No.</b> 2 Q. Do you know if you told the nurse 3 assessor that? 4 <b>A. It would have been my dad or myself</b> 5 <b>probably.</b> 6 Q. Okay. So here it says that your dad was 7 able to use the phone, able to recognize danger 8 and safety hazards. 9 Do you see that? 10 <b>A. Yes.</b> 11 Q. Do you agree with that -- 12 <b>A. Yes.</b> 13 Q. -- at that time? 14 <b>A. Yes.</b> 15 Q. August 2016? Okay. 16 And that he had zero cognitive deficits. 17 Do you see that? 18 <b>A. Yes.</b> 19 Q. And do you agree with that? 20 <b>A. Yes.</b> 21 Q. Okay. So here it says "Daughter 22 reports" -- and I guess is "Daughter" you? 23 <b>A. Yes.</b> 24 Q. -- "insured sleeps most of the time." 25 Do you see that?</p>



<p style="text-align: right;">Page 86</p> <p>1 <b>A. Yes.</b> 2 Q. Okay. And it says "answers taken from 3 are daughter's response." 4 Do you see that? 5 <b>A. Yes.</b> 6 Q. "Insured very hard of hearing." 7 Do you see that? 8 <b>A. Yes.</b> 9 Q. Do you agree that you probably provided 10 most of the answers for this? 11 <b>A. Yes.</b> 12 Q. Okay. 13 <b>MS. JONES:</b> Madam Court Reporter, I'm 14 gonna mark this as Exhibit 4. This is the benefit 15 eligibility assessment from August 2016. 16 <b>EXHIBIT:</b> 17 (Deposition Exhibit 4 marked for 18 identification.) 19 <b>BY MS. JONES:</b> 20 Q. Okay. What is A-Plus home care [sic]? 21 <b>A. HealthCare? Home care?</b> 22 Q. Did you ever work for A-Plus home care 23 [sic]? 24 <b>A. I did.</b> 25 Q. When was that.</p>	<p style="text-align: right;">Page 88</p> <p>1 because you wanted to? I mean, I'm trying to 2 learn why you did that. 3 <b>A. Somebody told me I needed to do -- to do</b> 4 <b>it.</b> 5 Q. Do you believe you were unable to take 6 care of your dad without it? 7 <b>A. No.</b> 8 Q. So this is gonna sound ridiculous, but 9 you just did it because someone told you to? 10 <b>A. Yes.</b> 11 Q. And you don't know who told you to do 12 that. 13 <b>A. I believe it was somebody through the VA.</b> 14 Q. And do you recall why they said you 15 should do that? 16 <b>A. Because they said I could be -- get some</b> 17 <b>money for taking care of my father through the VA.</b> 18 Q. And where would that money come from? 19 <b>A. Well, I got paid by A-Plus. I don't know</b> 20 <b>who paid them.</b> 21 Q. You don't know who paid A-Plus? 22 <b>A. I don't know if it was a Medicare or a VA</b> 23 <b>thing.</b> 24 Q. But did A-Plus get paid? Do you know 25 that?</p>
<p style="text-align: right;">Page 87</p> <p>1 <b>A. In September 2016.</b> 2 Q. And how did you come to find A-Plus home 3 care [sic]? In other words, how did you learn 4 about it. 5 <b>A. Through some -- many of the various</b> 6 <b>people that were coming in and out of our house.</b> 7 <b>I do not recall exactly who had told me about it.</b> 8 Q. And when did you first reach out to 9 A-Plus home care [sic]? 10 <b>A. July? August 2016?</b> 11 Q. And that was after your dad submitted a 12 claim for benefits under the policy. Right? 13 <b>A. Yes.</b> 14 Q. Why did you contact A-Plus home 15 HealthCare? 16 <b>A. Because somebody that we had talked to, I</b> 17 <b>don't recall who, had said that I should get</b> 18 <b>certified to be a caregiver.</b> 19 Q. Do you think you needed to be certified 20 to be a caregiver? 21 <b>A. Are you asking me if I think it was good</b> 22 <b>to be a certified caregiver or was it required.</b> 23 Q. I -- I guess both. Right? I guess why 24 did you think you needed to become a certified 25 caregiver? Because someone told you to or was it</p>	<p style="text-align: right;">Page 89</p> <p>1 <b>A. No, I don't know.</b> 2 Q. But they paid you? 3 <b>A. Yes.</b> 4 Q. How much did they pay you? 5 <b>A. Like \$10 -- 10.50 an hour, maybe?</b> 6 Q. And where did -- how did you record your 7 time? 8 <b>A. On a time sheet.</b> 9 Q. And where did you submit the time sheet? 10 <b>A. In a box outside their office?</b> 11 Q. Where's their office. 12 <b>A. It was on 11th Avenue in Helena?</b> 13 Q. Who was your supervisor there? 14 <b>A. Either Lynn or Tanya. I don't know which</b> 15 <b>one was in charge of me.</b> 16 Q. So when you did it, was it to get paid by 17 the VA, was it to get paid under the insurance 18 policy? 19 <b>A. No.</b> 20 Q. Did you expect to get paid under the 21 insurance policy? 22 <b>A. No.</b> 23 Q. Did you need to take a course to get 24 hired at A-Plus? 25 <b>A. Yes.</b></p>

<p>Page 90</p> <p>1 Q. And what was that?</p> <p>2 <b>A. Home -- I -- A caregiver course? I don't</b></p> <p>3 <b>remember the title of it.</b></p> <p>4 Q. Did you get a certification from that?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Do you -- Did the certification expire,</p> <p>7 was it good for life? What's -- Tell me a little</p> <p>8 bit about that certification.</p> <p>9 <b>A. I'm sure it expired 'cause you were</b></p> <p>10 <b>required to take so many classes to keep it</b></p> <p>11 <b>current, I know that.</b></p> <p>12 Q. And did you do that?</p> <p>13 <b>A. No, I only took the certification</b></p> <p>14 <b>classes.</b></p> <p>15 Q. So once you were certified, you didn't</p> <p>16 continue education to -- or -- or anything else.</p> <p>17 <b>A. No.</b></p> <p>18 Q. And did you have any patients besides</p> <p>19 your dad.</p> <p>20 <b>A. Not while my dad was alive, no.</b></p> <p>21 Q. Did you ever have any patients other than</p> <p>22 your dad.</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And who was that?</p> <p>25 <b>A. Oh, I have no idea of their names.</b></p>	<p>Page 92</p> <p>1 <b>December, and I believe I had a couple of people</b></p> <p>2 <b>in January of 2017 that I helped, and then that</b></p> <p>3 <b>was my limit.</b></p> <p>4 Q. Okay. So why -- So why, then, did you</p> <p>5 stop --</p> <p>6 <b>A. Because --</b></p> <p>7 Q. -- working there.</p> <p>8 <b>A. Sorry.</b></p> <p>9 Q. No, go ahead.</p> <p>10 <b>A. It was very hard. It reminded me of my</b></p> <p>11 <b>dad. And to see some of these people that had</b></p> <p>12 <b>such poor conditions that they were living in was</b></p> <p>13 <b>heart wrenching.</b></p> <p>14 Q. And so, I guess, did you quit working for</p> <p>15 the company? Is that the best way to describe</p> <p>16 it -- what happened?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And that was in January of 2017?</p> <p>19 <b>A. I don't remember if I had actually</b></p> <p>20 <b>submitted my -- my doneness in January or February</b></p> <p>21 <b>of 2017.</b></p> <p>22 Q. And you said you got paid 10.50 an hour.</p> <p>23 Do you recall, I guess, starting in</p> <p>24 September 2016 and then walking me through each</p> <p>25 month, do you know how much you earned per month</p>
<p>Page 91</p> <p>1 Q. But you continued to work -- When -- I --</p> <p>2 I guess I should say after your dad died, you</p> <p>3 continued to work for A-Plus?</p> <p>4 <b>A. Very infrequently, yes.</b></p> <p>5 Q. When you say "very infrequently," can you</p> <p>6 elaborate that for me?</p> <p>7 <b>A. They would call me once in a while and</b></p> <p>8 <b>ask me if I could go assist somebody.</b></p> <p>9 Q. And when you say "assist," what would you</p> <p>10 do?</p> <p>11 <b>A. I would either take people to an</b></p> <p>12 <b>appointment or I would give them a shower and</b></p> <p>13 <b>dress them.</b></p> <p>14 Q. And approximately how many times did you</p> <p>15 do that.</p> <p>16 <b>A. Do you mean like how many -- like</b></p> <p>17 <b>month-wise or how many a day or what. I'm not</b></p> <p>18 <b>sure I understand.</b></p> <p>19 Q. Yeah. I mean, before, you gave me your</p> <p>20 employment history, you didn't mention this. I'm</p> <p>21 just trying to figure out when it -- how long you</p> <p>22 did this for.</p> <p>23 <b>A. It was very short. I only did it while I</b></p> <p>24 <b>was taking care of my dad, and he died in</b></p> <p>25 <b>November. I had a few people I helped in</b></p>	<p>Page 93</p> <p>1 from A-Plus, if you can recall?</p> <p>2 <b>A. I think I was approved for, like,</b></p> <p>3 <b>20 hours a week. So however long that was until</b></p> <p>4 <b>my dad died I did that for the 20 hours. And then</b></p> <p>5 <b>after that it was maybe two or three hours</b></p> <p>6 <b>possibly a week or every other week. I didn't</b></p> <p>7 <b>have a regular schedule. It was just on an</b></p> <p>8 <b>as-needed -- they called me just, like, "Hey, can</b></p> <p>9 <b>you go give somebody a shower today?"</b></p> <p>10 <b>And, you know, I would either have to say</b></p> <p>11 <b>yes or no.</b></p> <p>12 Q. Got it. And you did that -- at the same</p> <p>13 time, you were also a bookkeeper.</p> <p>14 <b>A. No --</b></p> <p>15 Q. Or not.</p> <p>16 <b>A. Not at that time, no.</b></p> <p>17 Q. Okay. Okay. Sorry. I was a little bit</p> <p>18 confused. Okay.</p> <p>19 Before we leave that topic, in terms of</p> <p>20 employment, are there any other small jobs or ways</p> <p>21 that you've earned income whether it be, you know,</p> <p>22 I don't know, selling things or -- or is there any</p> <p>23 other earning of income or jobs that you've held</p> <p>24 besides what you've already told me about.</p> <p>25 <b>A. Not that I can recall, no.</b></p>

<p style="text-align: right;">Page 94</p> <p>1 Q. Okay. So again, I believe I might have  2 already asked this, but I don't remember.  3 Did you -- You were being paid by A-Plus.  4 Right?  5 <b>A. Yes.</b>  6 Q. Did you ever charge your dad out of  7 pocket to take care of him.  8 <b>A. No.</b>  9 Q. Okay. And so you never created invoices  10 or any sort of, I guess, record beyond  11 your -- your timesheets that you submitted to  12 A-Plus. No invoices or anything like that, I  13 guess I should say.  14 <b>A. No invoices.</b>  15 Q. Did you or your dad incur any expenses  16 related to any care that was ever provided to him  17 at all. By you, by St. Peter's or -- or any other  18 caregiver.  19 <b>A. No.</b>  20 Q. When you started working for A-Plus in  21 September, did your dad tell Continental, the  22 insurance company, that A-Plus was providing him  23 with care.  24 <b>A. I don't believe so, no.</b>  25 Q. Did your dad tell the insurance company</p>	<p style="text-align: right;">Page 96</p> <p>1 screen?  2 <b>A. Yes.</b>  3 Q. And it is one page, but I will scroll  4 slowly.  5 Have you seen that document before?  6 <b>A. Yes.</b>  7 Q. And at the top it says September 6, 2016.  8 Do you see that?  9 <b>A. Yes.</b>  10 Q. Whoops. And it says "2nd REQUEST."  11 Do you see that?  12 <b>A. Yes.</b>  13 Q. And it says "Dear Mr. King, We are taking  14 this opportunity to advise you of the status of  15 the above claim. We have received a portion of  16 the Claim Form packet. However additional  17 information is needed in order to complete the  18 processing of the claim. We are still in need of  19 the following information from these providers:"  20 And then it says "HIPAA form," "Personal  21 Representative Form," so forth, and then it says  22 "Provider Claim Form and the following from the  23 licensed home health care agency you select: RN  24 Assessment," Plan of Care and/or Service Plan, and  25 Current agency license. This information is vital</p>
<p style="text-align: right;">Page 95</p> <p>1 at that time that you were providing him with  2 care.  3 <b>A. Yes.</b>  4 Q. Okay. Give me one second. I'm just  5 gonna share my screen.  6 Okay. Can you see this document? It's  7 one -- It's one page long, but I know there's a  8 lot of print on it, so I will scroll slowly. Tell  9 me if I'm going too fast.  10 Have you seen this document before?  11 <b>A. No.</b>  12 Q. At the top of the document, it says "Note  13 Log." Whoops, that's not gonna work.  14 Do you see that?  15 <b>A. Yes.</b>  16 Q. Okay. So I'm gonna go back to this  17 exhibit at some point.  18 <b>MS. JONES:</b> But Madam Court Reporter, the  19 note log is gonna be marked as Exhibit 5.  20 <b>EXHIBIT:</b>  21 (Deposition Exhibit 5 marked for  22 identification.)  23 <b>BY MS. JONES:</b>  24 Q. One moment. I'm sorry. Okay.  25 Ms. King, can you see the document on the</p>	<p style="text-align: right;">Page 97</p> <p>1 to our claim evaluation."  2 Do you see that?  3 <b>A. Can you scroll down, please?</b>  4 Q. Oh, of course.  5 <b>A. Thank you.</b>  6 <b>Yes, I see that.</b>  7 Q. And did I read that correctly?  8 <b>A. Yes.</b>  9 Q. Were you helping your dad with the  10 insurance claim at this time in September 6, 2016?  11 <b>A. Yes.</b>  12 Q. And so were you aware that at this time  13 the claim had not been fully submitted, there was  14 still missing information?  15 <b>A. Can you repeat your question, please?</b>  16 Q. Sure. Yeah. Were you aware that at this  17 time based on this letter there was still  18 additional information that the insurance company  19 needed to complete the processing of the claim.  20 <b>A. Yes.</b>  21 Q. Would you agree that at that time you had  22 not provided any of that documentation; that this  23 is a correct statement.  24 <b>A. We had passed this stuff off to all the</b>  25 <b>other nurses and that. I -- We did not file</b></p>



<p>Page 98</p> <p>1 anything. I mean, we didn't give any forms 2 ourselves to any doctors or anything. We had 3 given them to the nurses to pass on. 4 Q. When you say "the nurses," who are you 5 referring to? 6 A. Either the hospice nurse or the VA nurse. 7 Q. And this says specifically, though, from 8 the licensed home health care agency you select. 9 Do you see that? 10 A. Yes. 11 Q. Would that have been A-Plus home 12 HealthCare? 13 A. I guess that would be the healthcare 14 agency that was selected. 15 Q. Well, who selected it? 16 A. The VA, I believe. 17 Q. The VA selected home -- A-Plus or you 18 did? 19 A. Well, there was only -- there's not many 20 places around, so that was one of the only places 21 that was available. 22 Q. But you started working at A-Plus. 23 Right? There wasn't a different home health care 24 agency, just so that we're clear. 25 MR. BIDEGARAY: Objection. Form.</p>	<p>Page 100</p> <p>1 seeking reimbursement under the policy for the 2 care you were providing. 3 So what did you think the policy was 4 going to provide? 5 A. I believed it was paying my dad a hundred 6 dollars a day or whatever the amount was for his 7 policy. I don't know. 8 Q. Yeah. Do you know what the hundred 9 dollars a day would be for? 10 A. No. 11 Q. So I just want to go back briefly to 12 something I had already marked as an exhibit. 13 Give me one second. 14 Okay. So we had already looked at this 15 claim -- "Instructions For Filing a New Long Term 16 Care Claim." Right? 17 A. Yes. 18 Q. And here it tells you you were requesting 19 home health care benefits, and the benefit is a 20 maximum benefit of a hundred dollars per home 21 health care. 22 Do you see that? 23 A. Yes. 24 Q. What was the home health care that your 25 dad was receiving that he should have gotten a</p>
<p>Page 99</p> <p>1 BY MS. JONES: 2 Q. You can answer, if you understand. 3 A. No answer. 4 Q. Was there another licensed home health 5 care agency other than A-Plus providing care to 6 your dad. 7 A. No. 8 Q. When you saw this, as you testified you 9 did, did you call the insurance company to ask 10 what they meant or what they were asking for? 11 A. I don't recall. 12 Q. But you were -- were you seeking 13 reimbursement for the care you were being -- you 14 were providing from the policy, from the insurance 15 policy? 16 A. Was I personally seeking it? 17 Q. Yes. 18 A. Is that what you're asking? No, I was 19 not. 20 Q. So what benefit did you think you were 21 going to get under the policy if you were not 22 seeking reimbursement for the home health care. 23 A. I'm not sure I understand what you're 24 asking. 25 Q. Yeah. So you just said you weren't</p>	<p>Page 101</p> <p>1 hundred dollars for. 2 A. Well, he had hospice in there, and he had 3 VA people coming in. That's all -- 4 Q. But that was being paid for by Medicare. 5 Right? 6 A. To the best of my knowledge, yes. 7 Q. 'Kay. I'm gonna show you a different 8 document. This is one page. 9 Have you ever seen this before? I'll 10 scroll down. I guess I should say -- You know 11 what, quick question for you. What's Northwest 12 Drywall? 13 A. That's the company where my husband 14 works. 15 Q. So would your husband have faxed this or 16 sent this, it looks like? 17 A. Yes. 18 Q. And this says "PROVIDER CLAIM FORM" at 19 the top. Right? 20 A. Yes. 21 Q. And it says "This form is to be completed 22 by a Home" -- "Home Care Agency, Hospice Provider, 23 Adult Day Care," and so forth. 24 Did I read that correctly? 25 A. Yes.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. And it says "All information on this form              2 is vital to your patient's long term care              3 insurance claim."              4 Do you see that?              5 <b>A. Yes.</b>              6 Q. And do you see here it was your dad's              7 name, Robert King, and then it says "Provider              8 Name: A-Plus Health Care."              9 Do you see that?              10 <b>A. Yes.</b>              11 Q. And it says the services began              12 September 13, 2016.              13 Do you see that?              14 <b>A. Yes.</b>              15 Q. And it also says "Admitted for VA              16 Services."              17 Do you see that?              18 <b>A. Yes.</b>              19 Q. Do you see your name anywhere on here.              20 <b>A. Can you scroll down, please?</b>              21 Q. Sure.              22 <b>A. No, I do not see my name on there.</b>              23 Q. Does this form say that you are providing              24 care from A-Plus HealthCare.              25 <b>A. No.</b></p>	<p style="text-align: right;">Page 104</p> <p>1 <b>A. Yes.</b>              2 Q. Did you ask her to complete this form?              3 <b>A. I do not recall.</b>              4 Q. This has some different handwriting on              5 it. I know you're not a handwriting expert, but              6 do you know whose handwriting this part is?              7 <b>A. That would be --</b>              8 Q. Is that your dad's handwriting?              9 <b>A. Yes.</b>              10 Q. And then what about this kind of bubbly              11 script that I have highlighted. "A-Plus Health              12 Care," is that completed by you?              13 <b>A. No.</b>              14 Q. But it was your husband's work where this              15 came from. Right? It came from Northwest              16 Drywall.              17 <b>A. Yes.</b>              18 Q. Did you pick up this form from A-Plus              19 after they completed it?              20 <b>A. I do not recall.</b>              21 Q. When you started working for A-Plus, did              22 you tell the insurance company that you were              23 working for them.              24 <b>A. I don't -- I don't recall. I'm sorry.</b>              25 Q. That's okay. And at this time was your</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. Who is Tanya Douglas LPM? Well, strike              2 that.              3 Is this firm -- Is this sign -- It says              4 "Form completed by: Tanya Douglas LPN," and it's              5 signed by Tanya Douglas, LPN.              6 Do you see that?              7 <b>A. Yes.</b>              8 Q. And it says she's the program manager.              9 Right?              10 <b>A. Yes.</b>              11 Q. And this was submitted on September 26,              12 2016. Right?              13 <b>A. Yes.</b>              14 Q. So about 20 days after the letter that we              15 just looked at -- and I'll go back to that for one              16 second -- that has a date of September 6, 2016              17 telling you they still needed that in provider              18 claim form. Right?              19 <b>A. Yes.</b>              20 Q. And who is Tanya Douglas?              21 <b>A. She was somebody that worked at</b>              22 <b>A-Plus HealthCare. I don't know her exact</b>              23 <b>position other than it says her title was program</b>              24 <b>manager.</b>              25 Q. Did you interact with her?</p>	<p style="text-align: right;">Page 105</p> <p>1 dad still -- and -- and we're in September now              2 just to give you -- the end of September -- was              3 your dad still handling the insurance claim by              4 himself or was it you who were working with him --              5 <b>A. I --</b>              6 Q. -- or working with the insurance company.              7 <b>A. I -- I was.</b>              8 Q. And so at this time, you didn't think to              9 tell the insurance company that you were providing              10 the care, you just told him it was              11 A-Plus HealthCare. Right?              12 <b>MR. BIDEGARAY:</b> Objection. Form. And it              13 misstates what she just testified to.              14 <b>MS. JONES:</b> I'm sorry, Dan, I didn't -- I              15 honestly didn't hear you.              16 <b>MR. BIDEGARAY:</b> I said objection, form,              17 and it misstates what she just testified to.              18 <b>BY MS. JONES:</b>              19 Q. Okay. Then tell me what you testified              20 to. Or correct your testimony, I should say.              21 I'm -- I'm basically saying, on here it just says              22 A-Plus HealthCare. It does not say Michelle King.              23 Is that right?              24 <b>A. Yes.</b>              25 Q. Did you tell the insurance company in</p>

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1 September 2016 that you were providing care to  
2 your dad.  
3 **A. I honestly do not remember.**  
4 Q. 'Kay. So I'm gonna mark the provider  
5 claim form as Exhibit 6.  
6 **EXHIBIT:**  
7 (Deposition Exhibit 6 marked for  
8 identification.)  
9 **BY MS. JONES:**  
10 Q. And I'm gonna go to the next document.  
11 So this is dated October 4th, 2016.  
12 Do you see that?  
13 **A. Yes.**  
14 Q. And this is a four-page document. I'm  
15 going to scroll slowly so that you can see it.  
16 You tell me when to stop or how to  
17 scroll.  
18 **A. Can you slow down, please?**  
19 Q. Of course.  
20 **A. Thank you.**  
21 Q. Yeah. Yeah, how about you tell me when  
22 to scroll. I know there's kind of a lot here.  
23 **A. You were doing good.**  
24 Q. Okay. I'm sorry. It's not a memory  
25 test, I'm not gonna ask you any of this without

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1 looking at it again. I'm -- I'm, again, gonna ask  
2 you the same question I've been asking, which is  
3 just have you seen this before. But we'll go  
4 through each piece.  
5 **MR. BIDEGARAY:** And Sandy, we've been  
6 going for a little over an hour. If you can find  
7 a spot that's a good spot to take a break, let us  
8 know.  
9 **MS. JONES:** I'm fine if you want to take  
10 a break now. Does that work?  
11 **MR. BIDEGARAY:** It -- It's up to you.  
12 It's your -- you're going. I -- I just -- Since  
13 you were scrolling --  
14 **MS. JONES:** Well, I actually just looked  
15 at the clock. I can't -- I can't believe it's  
16 been that long. Yeah, let's take a break.  
17 **BY MS. JONES:**  
18 Q. We'll come back to this document, and  
19 I'll let you read it 'cause, you know, there's no  
20 question pending.  
21 **MS. JONES:** So it's 2 o'clock my time. I  
22 want to be mindful. So Dan just to give you an  
23 idea, I probably have, like a -- I don't know,  
24 maybe another hour and change to go, depending on  
25 reading of the documents and such.

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1 Does Ms. King or you need a break for  
2 lunch or you tell me how long you need. If this  
3 is the right time or you want to --  
4 **MR. BIDEGARAY:** I don't. Let me check  
5 with the court reporter. I don't, and I don't  
6 think Ms. King does, but the court reporter may.  
7 **THE COURT REPORTER:** I don't need a break  
8 for lunch. Thank you.  
9 **MR. BIDEGARAY:** Okay. Yeah, no. We can  
10 keep -- if you want -- have an hour left, that --  
11 that -- let's just take a break, finish up, then  
12 that would be wonderful.  
13 **MS. JONES:** Well, not an half an hour. I  
14 might have, like --  
15 **MR. BIDEGARAY:** Yep.  
16 **MS. JONES:** -- an hour --  
17 **MR. BIDEGARAY:** I said --  
18 **MS. JONES:** -- left.  
19 **MR. BIDEGARAY:** -- hour, I said hour. If  
20 you have an hour left --  
21 **MS. JONES:** Okay, okay.  
22 **MR. BIDEGARAY:** -- that'd be great.  
23 **MS. JONES:** Okay. So do you want to take  
24 about 10, 15 minutes? We'll come back 2:00 p.m.  
25 my time? Well, that's almost 20 minutes, I guess.

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1 **MR. BIDEGARAY:** 10 minutes.  
2 **MS. JONES:** Let's just take 10 or 15  
3 minutes, and we'll come back at -- I guess what  
4 time is it where you guys are? 11:50 something?  
5 Does that work?  
6 **MR. BIDEGARAY:** Yes. 10 minutes is fine.  
7 **MS. JONES:** Okay. Great.  
8 **THE VIDEOGRAPHER:** Time is 11:42. Going  
9 off the record.  
10 (Recess taken from 11:42 a.m. to  
11 11:54 a.m.)  
12 **THE VIDEOGRAPHER:** Time is 11:54. Back  
13 on the record.  
14 **BY MS. JONES:**  
15 Q. All right. Ms. King, we're back on the  
16 record again after a short break. And right  
17 before the break I had put up an exhibit that I'm  
18 gonna mark as Exhibit 7, and I'm gonna put that  
19 back up.  
20 **EXHIBIT:**  
21 (Deposition Exhibit 7 marked for  
22 identification.)  
23 **BY MS. JONES:**  
24 Q. Can you see that? This is where -- right  
25 I stopped scrolling, but I'm happy to stop

<p style="text-align: right;">Page 110</p> <p>1 scrolling if you need.</p> <p>2 <b>A. I can see that.</b></p> <p>3 Q. Okay. And I'll represent that</p> <p>4 highlighting is mine, it's not in the original</p> <p>5 document, but you can disregard it for now.</p> <p>6 Let me know when you I go back to the</p> <p>7 top.</p> <p>8 <b>A. You can go back to the top.</b></p> <p>9 Q. Okay. Okay. So again, this is dated</p> <p>10 October 4, 2016.</p> <p>11 Do you see that?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And based on what we just scrolled</p> <p>14 through, have you seen this letter before.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. And this letter's addressed to you,</p> <p>17 actually. Right?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And here it says -- the Re line says</p> <p>20 "Claim Approval."</p> <p>21 Do you see that?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And here it says "Mr. King is eligible</p> <p>24 for Home and Community Care Benefits (Home Health</p> <p>25 Care) beginning August 2, 2016 - the date of the</p>	<p style="text-align: right;">Page 112</p> <p>1 is only about four pages, it says "Effect of</p> <p>2 Medicare." "Please note under SECTION 3:</p> <p>3 EXCLUSIONS of the policy where WHEN THIS POLICY</p> <p>4 WILL NOT PROVIDE BENEFITS are outlined." Then it</p> <p>5 says what the policy states.</p> <p>6 Did you look at the policy at this time</p> <p>7 when you received this letter?</p> <p>8 <b>A. Not that I recall, no.</b></p> <p>9 Q. Did you talk to your dad about the policy</p> <p>10 when you got this letter?</p> <p>11 <b>A. I don't remember.</b></p> <p>12 Q. Do you see how it says [As Read]: "This</p> <p>13 Policy will not pay benefits for any care services</p> <p>14 that are:... Reimbursable under Title XVIII" --</p> <p>15 which is 28 -- [As Read]: "of the Social Security</p> <p>16 Act (Medicare) or would be so reimbursable but for</p> <p>17 the application of a deductible or co-insurance,</p> <p>18 or Reimbursable under any federal, or state health</p> <p>19 care plan or law, except Medi-Cal or Medicaid."</p> <p>20 Do you see that?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. And do you agree that that's what the</p> <p>23 policy says?</p> <p>24 <b>MR. BIDEGARAY:</b> Objection. Form. And</p> <p>25 she's already answered that.</p>
<p style="text-align: right;">Page 111</p> <p>1 on-site benefit evaluation and the date Mr. King</p> <p>2 was certified Chronically Ill. Benefits are</p> <p>3 subject to the conditions and limitations of the</p> <p>4 Policy."</p> <p>5 Do you see that?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. When you saw "Home and Community Care</p> <p>8 Benefits," did you ask the insurance company what</p> <p>9 that means or why they determined that was the</p> <p>10 benefit he was eligible for?</p> <p>11 <b>A. Not that I can remember. I don't</b></p> <p>12 <b>remember asking.</b></p> <p>13 Q. And here it describes home and community</p> <p>14 care benefits, and it says "Once the Elimination</p> <p>15 Period," which is up here, [As Read]: "has been</p> <p>16 met, we can begin paying benefits for eligible</p> <p>17 care. We will pay benefits when Mr. King receives</p> <p>18 Home and Community care or Hospice services.</p> <p>19 Eligible care is Qualified Long Term Care from a</p> <p>20 Home Health" -- "Home Health Care Provider" --</p> <p>21 apologies -- "an Independent Caregiver, or an</p> <p>22 Adult Day Care center."</p> <p>23 Do you see that?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. So down here in that same letter, which</p>	<p style="text-align: right;">Page 113</p> <p>1 <b>MS. JONES:</b> Okay. Fine.</p> <p>2 <b>BY MS. JONES:</b></p> <p>3 Q. Do you agree that I read that correctly.</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Then it says "Proof of Loss - Invoicing."</p> <p>6 <b>[As Read]:</b> "In order to meet the Elimination</p> <p>7 Period and to pay benefits, we require itemized</p> <p>8 invoicing for eligible care provided to Mr. King.</p> <p>9 The claim file indicates that Mr. King is</p> <p>10 receiving services from St. Peter's Hospice and</p> <p>11 A-Plus Health Care. We will need itemized</p> <p>12 invoicing for the services provided to Mr. King in</p> <p>13 addition to the agencies state issued home health</p> <p>14 care agency license and a W-9 with the agencies</p> <p>15 federal tax information number.</p> <p>16 The next section of this letter will</p> <p>17 explain how to submit invoicing for Home Health</p> <p>18 Care through LTCFastPay."</p> <p>19 Do you see that?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Did you ever provide itemized invoicing</p> <p>22 to the insurance company.</p> <p>23 <b>A. I don't remember.</b></p> <p>24 Q. And here it says, again, "Mr. King is</p> <p>25 receiving services from St. Peter's Hospice and</p>

<p style="text-align: right;">Page 114</p> <p>1 A-Plus Health Care."                  2 That's correct. Right?                  3 <b>A. Yes.</b>                  4 Q. He wasn't receiving services from anyone                  5 else. Right?                  6 <b>A. Well, the VA would send a nurse out</b>                  7 <b>occasionally. I don't know if that was part of</b>                  8 <b>that or not.</b>                  9 Q. But again, you didn't pay out of pocket                  10 for that --                  11 <b>A. No.</b>                  12 Q. -- or incur an expense? Right? It was                  13 paid for by the VA.                  14 <b>A. Correct.</b>                  15 Q. So were there any invoices submitted for                  16 home health care through LTCFastPay?                  17 <b>A. I don't remember LC -- LTCFastPay.</b>                  18 Q. Then here the letter says "Next Steps for                  19 You." "Submit an address change if needed.                  20 Enroll with LTCFast Pay for Home Health Care."                  21 Send in the provider claim form from St. Peter's                  22 Hospice along with those documents listed, and                  23 "The following from A-Plus Health Care."                  24 And then at the bottom do you see it says                  25 "Itemized invoicing and daily notes for each date</p>	<p style="text-align: right;">Page 116</p> <p>1 A-Plus HealthCare?                  2 <b>A. Correct.</b>                  3 Q. And it's signed by Dan Leal.                  4 Do you remember Dan Leal at all?                  5 <b>A. No, I remember I believe I talked to a</b>                  6 <b>man on the phone at one time, but I don't</b>                  7 <b>remember -- I don't recall a name. I'm sorry.</b>                  8 Q. That's all right. And so here it                  9 says -- it says Robert King, insured, then it says                  10 "Re: Requested Documentation." Right?                  11 <b>A. Correct.</b>                  12 Q. It says "Dear Business Office Manager,"                  13 meaning A-Plus HealthCare business office manager,                  14 "This is" -- oh, it probably should say "a                  15 request." [As Read]: "This is request for                  16 documentation regarding our insured                  17 Mr. Robert King's Long Term Care claim. For                  18 continued proof" -- I'm sorry, "For proof of                  19 continued eligibility, we are requesting the                  20 following documents: INITIAL RN ASSESSMENT, PLAN                  21 OF CARE/SERVICE PLAN, ITEMIZED INVOICING AND DAILY                  22 NOTES FOR EACH DATE OF SERVICE," and "CURRENT                  23 AGENCY STATE LICENSE."                  24 Do you see that?                  25 <b>A. Yes.</b></p>
<p style="text-align: right;">Page 115</p> <p>1 of service."                  2 <b>A. Yes.</b>                  3 Q. Did you provide those to the insurance                  4 company. Itemized invoicing and daily notes for                  5 each date of service.                  6 <b>A. I honestly don't remember.</b>                  7 Q. Do you know if someone else would have                  8 submitted those or --                  9 <b>A. No.</b>                  10 Q. -- would it have been you?                  11 <b>A. I don't know if A-Plus had done that or</b>                  12 <b>not.</b>                  13 Q. Okay. Let me see if I can share my                  14 screen again.                  15 Go up to the top. This is a two-page                  16 document, and I'll keep scrolling. Tell me when                  17 to stop or scroll up, I should say. I think the                  18 bulk is here.                  19 Have you seen this document before?                  20 <b>A. Not with the writing on it, no.</b>                  21 Q. Okay. Did you see it without the writing                  22 on it from November 17, 2016?                  23 <b>A. Not that I remember.</b>                  24 Q. Okay. Actually it was made out to                  25 A-Plus HealthCare. Right? It was directed to</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. Would you agree that as of November 17,                  2 2016 they had not received any -- Continental,                  3 actually, the -- the insurance company, had not                  4 received itemized invoicing and daily notes for                  5 each date of service from A-Plus?                  6 <b>A. What is your question again? I'm sorry.</b>                  7 Q. Sure. Does it -- Would you agree with me                  8 that based on this letter the insurance company                  9 was still looking for itemized invoicing and daily                  10 notes for each date of service.                  11 <b>A. That's how I would read it, yes.</b>                  12 Q. Do you know if you had submitted an                  13 itemized invoicing or daily notes for each date of                  14 service --                  15 <b>A. I had --</b>                  16 Q. -- November 17, 2016?                  17 <b>THE COURT REPORTER:</b> I -- I'm so sorry,                  18 Counsel. Prior to or -- Your audio cut out.                  19 <b>MS. JONES:</b> Yeah. Sorry.                  20 <b>BY MS. JONES:</b>                  21 Q. At or prior to November 17, 2016, had you                  22 submitted itemized invoicing and daily notes for                  23 each date of service.                  24 <b>A. Submitted to who?</b>                  25 Q. To the insurance company.</p>



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1 A. I don't recall submitting my timesheets  
2 that had my documentation to the insurance  
3 company. I know I turned them in to A-Plus, and  
4 that's all I can recall.  
5 Q. Okay. Do you see the handwriting on  
6 here?  
7 A. Yes.  
8 Q. And it says it was signed by Tanya  
9 Douglas, Program Manager.  
10 Do you see that?  
11 A. Yes.  
12 Q. And here it says on the same day, she  
13 wrote or at least it says, "The requested  
14 documentation was not done, as company denied  
15 claimant's daughter to be caregiver."  
16 Do you see that?  
17 A. Yes.  
18 Q. So do you believe -- Based on this, would  
19 you agree that there was no documentation done  
20 from A-Plus.  
21 A. Yes.  
22 Q. I'm gonna go back to --  
23 MS. JONES: I'm sorry, I'm -- did I  
24 already mark -- I don't think I marked that. I'm  
25 gonna mark that document as Exhibit 8.

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1 EXHIBIT:  
2 (Deposition Exhibit 8 marked for  
3 identification.)  
4 BY MS. JONES:  
5 Q. Okay. I'm gonna go back to the exhibit  
6 marked Number 7, which asked for those next steps.  
7 Was anything in this letter confusing to  
8 you when you received it.  
9 A. Can you scroll down, please?  
10 Q. Of course.  
11 A. That LTCFastPay was confusing to me.  
12 Q. Did you try to enroll with it?  
13 A. Boy, I don't remember. I do remember  
14 that it was -- somebody had said something about  
15 having to call when I got to my job and call when  
16 I left my job.  
17 And I said, "Well, that's really hard  
18 because I don't ever get here and I don't ever  
19 leave, I'm just here 24/7."  
20 But I don't -- I don't recall -- I just  
21 remember LTCFastPay was above my head.  
22 Q. Did you call the insurance company to  
23 tell them that --  
24 A. I -- I don't remember --  
25 Q. -- in October?

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1 A. Sorry.  
2 THE COURT REPORTER: I -- I didn't get  
3 the last part of your question, Counsel.  
4 MS. JONES: Sure.  
5 BY MS. JONES:  
6 Q. I said in October of 2016 did you call  
7 the insurance company to tell them you were  
8 confused about LTCFastPay.  
9 A. I don't know when I had called, and I  
10 don't know who I called, but I remember talking to  
11 somebody about LTCFastPay.  
12 Q. And had you told anybody at that time  
13 that you were providing care.  
14 A. Yes.  
15 Q. And when was that.  
16 A. I don't know.  
17 Q. 'Kay. Let me go back to this document  
18 which we had seen earlier. Again, it has a --  
19 it's Exhibit 5, but it has quite a lot of  
20 documentation on it, but I -- I'll represent to  
21 you, and I'll confirm in a minute, that it's  
22 backwards in terms of the timeline. It starts in  
23 July all the way down to 2016 -- July 2016 and  
24 then it -- it goes the opposite direction and ends  
25 March 7, 2017.

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1 Do you see that?  
2 A. Yes.  
3 Q. Okay. So when I'm starting at the  
4 bottom, it's actually opposite.  
5 So October 4, which was the date of that  
6 letter. Right?  
7 A. Yes.  
8 Q. I'm sorry. Here it says "NEW CLAIM SETUP  
9 COMPLETED. REFERRED to EXAMINER -(DLEAL)."  
10 Do you see that, or D-L-E-A-L.  
11 A. Yes.  
12 Q. And then above there it says October 11,  
13 2016 at 11:48:59 [As Read]: "MICHELLE KING (POA)  
14 CALLED ABOUT INFO STILL NEEDED - REFER TO page 4  
15 OF APPROVAL LETTER. LIST ITEMS PENDING FROM THE  
16 PROVIDER AS OF ELIGIBLE DATE OF AUGUST 2016. SHE  
17 WILL TRY FOLLOW UP AGAIN."  
18 Do you see that?  
19 A. Yes.  
20 Q. Do you remember that phone call?  
21 A. No, I do not.  
22 Q. And then here on October 25th, 2016, it  
23 says [As Read]: "SARA WITH A PLUS HOME HEALTHCARE  
24 SAID WILL START CARE FOR SERVICE. ASKED FOR OUR  
25 FAX NUMBER. GAVE HER NEW FAX. SARA WILL FOLLOW

<p style="text-align: right;">Page 122</p> <p>1 UP."</p> <p>2 Do you see that with -- and then it's cut</p> <p>3 off. The -- the reason it's cut off, I have</p> <p>4 another version of this. It's -- And Dan notes</p> <p>5 it -- it was a live HTML document, so it's --</p> <p>6 it's scanned.</p> <p>7 But essentially do you see that?</p> <p>8 <b>A. Yes.</b></p> <p>9 <b>MR. BIDEGARAY:</b> With regard to that page,</p> <p>10 Sandy, I -- I did send an email with it so that it</p> <p>11 shows everything, and I asked --</p> <p>12 <b>MS. JONES:</b> I actually think I have that</p> <p>13 one, Dan, if you want --if you'd give me one</p> <p>14 second, I'll --</p> <p>15 <b>MR. BIDEGARAY:</b> But there was objections</p> <p>16 and this and that, but -- but what I sent you, you</p> <p>17 can double-check me, and I'm happy to let you just</p> <p>18 substitute it out. I --</p> <p>19 <b>MS. JONES:</b> Yeah. And I'm -- I could</p> <p>20 have been -- I don't think there were --</p> <p>21 <b>THE COURT REPORTER:</b> Sandy -- Sandy --</p> <p>22 <b>MS. JONES:</b> We know where --</p> <p>23 <b>THE COURT REPORTER:</b> Sandy, I'm so sorry,</p> <p>24 Mr. Bidegaray is still speaking. If you could</p> <p>25 just hold on a minute and let him finish, please?</p>	<p style="text-align: right;">Page 124</p> <p>1 cutoff page that you were just trying to use?</p> <p>2 <b>MS. JONES:</b> Mm-hmm.</p> <p>3 <b>MR. BIDEGARAY:</b> Does -- Does that make</p> <p>4 sense?</p> <p>5 <b>MS. JONES:</b> It does, and I -- I agree</p> <p>6 that that's fine. I think there might have been a</p> <p>7 misunderstanding there. We didn't intend to do</p> <p>8 that. I think what the issue actually was -- not</p> <p>9 to talk about that here, per se -- but was that</p> <p>10 the Bates number was different so we just wanted a</p> <p>11 record that it wasn't a new document. But</p> <p>12 I -- I'm -- I'm completely with you.</p> <p>13 I am gonna show her, however, the HTML</p> <p>14 version because I know it's not cut off, and I</p> <p>15 can't find the other one right now, but it's -- if</p> <p>16 you created your document with the HTML, I think</p> <p>17 it's the same thing.</p> <p>18 <b>BY MS. JONES:</b></p> <p>19 Q. But Ms. King, here's that same document,</p> <p>20 but you can scroll so you can see, again, the</p> <p>21 whole thing. It goes from July 26, 2016 backwards</p> <p>22 to March 7, 2017 if I scroll, but the side is not</p> <p>23 cut off, which is what Dan and I were talking</p> <p>24 about. For some reason when we PDF'd it, the side</p> <p>25 got cut off and we didn't realize it until Dan</p>
<p style="text-align: right;">Page 123</p> <p>1 Thank you.</p> <p>2 <b>MR. BIDEGARAY:</b> So I'm happy to let you</p> <p>3 substitute that page out. I do think it's</p> <p>4 accurate. I don't know why the continued</p> <p>5 objection's on it. I'm just trying to get an</p> <p>6 accurate record.</p> <p>7 <b>MS. JONES:</b> I understand. I don't think</p> <p>8 there was intended to be actual objections to it.</p> <p>9 To be totally candid, I think -- yeah, I -- I</p> <p>10 think we're on the same page. We want the full</p> <p>11 record included.</p> <p>12 I think the trickiness, of course, was</p> <p>13 that it was a HTML scrollable document, which I do</p> <p>14 have the HTML version that we did produce, and so</p> <p>15 I will pull that one up and I will substitute it</p> <p>16 for Exhibit 5, if you agree.</p> <p>17 <b>MR. BIDEGARAY:</b> No, I don't want the HTML</p> <p>18 substituted. What I said is substitute that page.</p> <p>19 The rest of the pages you guys sent were right.</p> <p>20 That page cut off information, so we redid it so</p> <p>21 that it -- it showed what actually was on that</p> <p>22 page, and for some reason you guys didn't want to</p> <p>23 substitute that particular page. If you'd go back</p> <p>24 and look at my email and look at that page, I</p> <p>25 think you'll see that if we just substitute the</p>	<p style="text-align: right;">Page 125</p> <p>1 brought it to our attention.</p> <p>2 <b>A. Okay.</b></p> <p>3 Q. So where I said before Sara will follow</p> <p>4 up with the family is what was left there on</p> <p>5 October 25th, 2016.</p> <p>6 Do you recall talking with a Sara at</p> <p>7 A-Plus home HealthCare about the claim ever?</p> <p>8 <b>A. No, I don't remember a Sarah at all.</b></p> <p>9 Q. Okay. The next call note on that file</p> <p>10 which is from -- it says "KBYRD," and then it says</p> <p>11 October 25, 2016 at 14:50:52 which is, like,</p> <p>12 2:50 p.m., it says "Sarah With A Plus Care Called</p> <p>13 and wanted to know the Information they need to</p> <p>14 send in to Us." Excuse me. [As Read]: "I let her</p> <p>15 know that I would fax the information. She stated</p> <p>16 during the call the daughter (Michelle) will be</p> <p>17 providing the care for the Insured. I placed her</p> <p>18 on hold to verify if the daughter would be</p> <p>19 eligible to provide care. After reviewing the</p> <p>20 policy it states 'A Home Health Care Provider</p> <p>21 cannot be a member of your Immediate Family or</p> <p>22 anyone living with You.' I informed Sarah that</p> <p>23 the daughter could not provide care for the</p> <p>24 Insured per the policy provisions. I let her know</p> <p>25 that I would have the EX," examiner, "reach to the</p>

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1 daughter and explain the policy provision to her.  
2 She understood. She then provided me the fax  
3 number to submit the request 406-421" --  
4 "422-1062."  
5 Do you see that?  
6 **A. Yes.**  
7 Q. And I -- I'm not -- you know, these  
8 depositions can be repetitive, but I'm gonna ask  
9 again, you didn't talk with A-Plus about that call  
10 or did you talk to -- with A-Plus about that call?  
11 **A. No, not that I remember.**  
12 Q. Did anyone from A-Plus ever talk to you  
13 about the policy or any provision that would  
14 not -- that a home health care provider cannot be  
15 a member of your immediate family or anyone living  
16 with you?  
17 **A. No.**  
18 Q. So the next day you see it says "DLEAL -  
19 10/26/26." That's Dan Leal.  
20 Again, you -- you testified that you  
21 remember speaking to a man. You don't remember  
22 who that was?  
23 **A. Correct.**  
24 Q. It says that he spoke to you and asked if  
25 you had any questions or concerns with hiring a

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1 caregiver. [As Read]: "SHE STATED THAT SHE IS THE  
2 CAREGIVER FOR HER FATHER, AND SHE IS WORKING FOR A  
3 PLUS. SHE STATED THAT SHE HAS BEEN WORKING WITH  
4 THE AGENCY FOR A COUPLE OF MONTHS. SHE STATES SHE  
5 IS CERTIFIED AS A CAREGIVER AND SHE SHARES THE  
6 SAME HOME AS THE INSURED. I ADVISE" -- or  
7 "ADVISED HER THAT THE POLICY EXCLUDES ANY  
8 IMMEDIATE FAMILY MEMBER FROM BEING CERTIFIED AS AN  
9 INDEPENDENT CAREGIVER. ADVISED HER I WILL  
10 RESEARCH THE ISSUE AND CALL HER IN A DAY OR TWO."  
11 Do you see that?  
12 **A. Yes.**  
13 Q. Do you remember that phone call where you  
14 were told that the policy excludes an immediate  
15 family member from being certified as an  
16 independent caregiver?  
17 **A. Boy, I don't remember at that time.**  
18 **I'm -- I don't.**  
19 Q. Did you -- Do you remember looking at the  
20 policy at this time in October of 2016? October  
21 26, 2016?  
22 **A. No, I never looked at the policy. I was**  
23 **concentrating on living -- or enjoying the last**  
24 **days with my father.**  
25 Q. I understand.

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1 But when you were told you weren't going  
2 to be paid or that the policy excludes this, you  
3 didn't think to look at the policy and figure out  
4 whether the company was right or wrong?  
5 **A. Nope, that was the last thing on my mind.**  
6 Q. But you were trying to get the claim  
7 approved. Right? You were trying to help your  
8 dad get the claim approved that he had submitted.  
9 **A. Yes, I was trying.**  
10 Q. Okay. And do you see -- Well, let  
11 me -- let me -- I'm gonna close -- stop for a  
12 second, I'm gonna go back. So this was the  
13 document we already looked at, Exhibit 7, which  
14 was that claim approval letter.  
15 Do you see that? We had already looked  
16 at this one where it said "Mr. King is eligible  
17 for the Home and Care" -- "Home and Community Care  
18 Benefit."  
19 Do you see that?  
20 **A. Yes.**  
21 Q. This was October 4, 2016. Right?  
22 **A. Yes.**  
23 Q. Wasn't your dad alive at this time?  
24 **A. Yes.**  
25 Q. Did you ever tell your dad -- tell the

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1 insurance company that your dad died thinking he  
2 didn't have his claim approved?  
3 **A. Did I tell them that?**  
4 Q. Yes. Did you tell them that.  
5 **A. On the phone?**  
6 Q. At any point in -- I -- I don't know.  
7 In -- In the phone, in writing. I'm asking you.  
8 **A. I probably told them somehow.**  
9 Q. Would that have been true? I mean, did  
10 you tell your dad the claim was approved in  
11 October of 2016?  
12 **A. Well, we thought it was approved.**  
13 Q. Right, but you didn't submit any invoices  
14 to get paid, did you?  
15 **A. Not that I remember.**  
16 Q. Did you know that the policy for the home  
17 and community care benefit had an exclusion for a  
18 family caregiver?  
19 **A. No.**  
20 Q. So did you try to get employed by A-Plus  
21 to get paid under the policy?  
22 **A. I don't know if I was getting paid under**  
23 **the policy. I just knew I was getting paid by**  
24 **somebody, and that would have been through the VA.**  
25 Q. Right. So do you think the policy should



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1 have also paid you for providing that care if you  
2 were already getting paid by the VA or Medicare?  
3 **A. Well, I didn't think it was paying me, it**  
4 **was supposed to be paying for my father.**  
5 Q. Right. But what do you think the policy  
6 is supposed -- if you -- if you didn't look at the  
7 policy, how would you know what the policy's  
8 supposed to pay for?  
9 **A. I didn't know what. If it's a home care**  
10 **policy, you would think that it would pay for home**  
11 **care.**  
12 Q. But this claim letter was pretty clear --  
13 or the letter was pretty clear that it said that  
14 invoices were required because don't you think --  
15 well, let's -- let's talk about that, actually.  
16 Right?  
17 So here it says [As Read]: "For Home and  
18 Community Care, we will pay benefits as follows:  
19 For Home and Community Care or Hospice Services  
20 received during the first thirty consecutive  
21 calendar days after satisfaction of the  
22 Elimination Period, for care received during a  
23 day, we will pay the lesser of: Two times the  
24 Maximum Home and Community Care Benefit, or The  
25 amount of money remaining in the Maximum Lifetime

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1 Benefit, or The total of:" and then it lists  
2 expenses incurred.  
3 Did you think -- And then -- And then  
4 down here we read before that -- well, Number 1,  
5 the policy won't be -- won't pay benefits for  
6 services reimbursable under Medicare. But second  
7 of all, that you need to -- [As Read]: "we require  
8 itemized invoices provided to Mr. King" to pay.  
9 It says and "to" -- "to meet the Elimination  
10 Period and to pay benefits, we require itemized  
11 invoicing for eligible care provided to Mr. King."  
12 Do you see that?  
13 **A. Yes.**  
14 Q. So does it -- wouldn't you agree with me  
15 that the company told you that they required  
16 itemized invoicing to pay the -- any benefit to  
17 Mr. King?  
18 **A. Yes.**  
19 Q. And you already told me you didn't  
20 provide that. Right?  
21 **A. I did not, no.**  
22 Q. Right. And we looked at a document that  
23 said that it wasn't provided by A-Plus. Right?  
24 **A. Yes.**  
25 Q. Did you ever tell A-Plus that they needed

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1 to send invoices?  
2 **A. I believe there was conversation of that**  
3 **or they had talked to insurance, they would have**  
4 **seen that it was required.**  
5 Q. Well, right, but those benefits were paid  
6 by Medicare. Right? Or the VA? You were paid by  
7 Medicare or the VA. Right?  
8 **A. Right.**  
9 Q. A-Plus was? Right. So the policy won't  
10 pay benefits for any care services that are paid  
11 by Medicare or the VA. Right?  
12 **A. Yes.**  
13 Q. I'm gonna go back to that -- Well,  
14 actually, here, we're gonna -- we're gonna face  
15 the cutoff again. Give me one second.  
16 Okay. Here's that HTML document so we  
17 can see the full thing.  
18 So it says on November 29th, DLEAL called  
19 and left you a voice message needing to discuss  
20 alternate payment rider benefit since no care in  
21 place per, and then it lists the document number.  
22 Do you see that?  
23 **A. No, I -- can you scroll up, please?**  
24 Q. Of course. I'm sorry. I'm looking at  
25 where it says here. I just kind of highlighted it

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1 in blue for a second.  
2 Do you see that?  
3 **A. I -- I don't see that on my screen.**  
4 Q. Maybe you won't be able to see the  
5 highlighting.  
6 Do you see where it says November 29th,  
7 2016 is the date I'm looking at? 13:42?  
8 **A. Mine only goes up through November 17th.**  
9 Q. Okay. So maybe -- Can you see it now?  
10 **A. No. It's not moving at all on my end.**  
11 Q. Maybe it froze. Is it moving now? I'm  
12 kind of scrolling just quickly?  
13 **A. No.**  
14 Q. Are things moving?  
15 **A. Nothing's moving.**  
16 Q. Okay. I'm gonna stop the share for one  
17 second and try again.  
18 **A. Sorry.**  
19 Q. Must have frozen. No, that's okay, thank  
20 you for telling me.  
21 Okay. Can you -- Is it moving now?  
22 **A. Yes. It's moving.**  
23 Q. Okay. That must have been what happened.  
24 Okay. So I'm looking at where it  
25 says -- do you see the blue November 29, 2016?

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1 **A. Yes.**  
2 Q. Okay. Do you know what "ALTERNATE  
3 PAYMENT RIDER BENEFIT" is?  
4 **A. No, I do not.**  
5 Q. Did you ever look at the -- had you  
6 looked at the policy at this point in time,  
7 November 29, 2016?  
8 **A. Probably not, 'cause I was very**  
9 **exhausted.**  
10 Q. I understand. This is after your dad had  
11 passed away, though. Right?  
12 **A. Correct.**  
13 Q. Okay. And then it looks like a couple  
14 days later on December 6, 2016, Mr. Leal notes [As  
15 Read]: "I SPOKE" -- Can you see that? [As Read]:  
16 "SPOKE TO MICHELLE KING(POWER OF ATTORNEY)"?  
17 **A. Yes.**  
18 Q. Okay. [As Read]: "ADVISED THAT I  
19 RECEIVED A NOTE FROM THE HOME HEALTH CARE AGENCY  
20 THAT NO CARE WAS PROVIDED. SHE STATED THAT THERE  
21 WAS CARE HOWEVER. I EXPLAINED THAT SINCE MR KING  
22 DIED SO SUDDENLY THERE'S ANOTHER BENEFIT OPTION  
23 TITLED ALTERNATE PAYMENT BENEFIT THAT DOES NOT  
24 TAKE THE ELIMINATION PERIOD INTO EFFECT. I  
25 EXPLAINED THAT IT PAYS ON A PRORATED BASIS AND

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1 WILL NOT PAY FOR ANY DAYS MR. KING WAS  
2 HOSPITALIZED OVERNIGHT. SHE CONFIRMED THAT HE WAS  
3 NOT HOSPITALIZED, ADVISED THAT I WILL PAY PART OF  
4 AUGUST, SEPTEMBER, OCTOBER, AND NOVEMBER 1 THROUGH  
5 6. ADVISE THAT I WILL PROCESS TODAY AND GO OUT IN  
6 TOMORROW'S MAIL. SHE THANKED ME."  
7 Do you see that?  
8 **A. Yes.**  
9 Q. At that point did you understand what the  
10 alternate benefit was that the -- the company had  
11 offered to pay to you?  
12 **A. No.**  
13 Q. Did you ask the company what the  
14 difference was?  
15 **A. No.**  
16 Q. Were you paid anything by the company?  
17 **A. By the insurance company?**  
18 Q. Yes.  
19 **A. Yes. There was a check that came.**  
20 Q. Okay. And what -- do you remember what  
21 the check was for?  
22 **A. It was for the dates August, September,**  
23 **and October, and the few days in November**  
24 **prorated.**  
25 Q. Okay. And when you received that, did

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1 you understand that it was paid under the  
2 alternate benefit payment rider?  
3 **A. I really did not, no, I didn't.**  
4 Q. Did you ask the insurance company to  
5 explain the difference between the alternate  
6 benefit payment rider and the home health care  
7 benefit you had applied for? Or I should say your  
8 dad applied for?  
9 **A. No.**  
10 Q. What does the word "alternate" mean to  
11 you?  
12 **A. Another option.**  
13 Q. Do you know what the alternate benefit  
14 payment rider would pay per month?  
15 **A. Do I now know?**  
16 Q. Yeah.  
17 **A. Is that what you're asking?**  
18 Q. Yeah. Yes.  
19 **A. I believe it was a thousand dollars a**  
20 **month.**  
21 Q. And do you know what the daily benefit  
22 amount under the policy was for home health care  
23 benefits?  
24 **A. Well, I remember seeing a hundred**  
25 **dollars. Was that -- I don't know if that was for**

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1 **that.**  
2 Q. It was.  
3 **A. Okay.**  
4 Q. If you agree with me.  
5 **A. Yes.**  
6 Q. So just simple math, would you agree that  
7 a hundred dollars per day for 30 days per month  
8 would have been \$3,000 per month.  
9 Would you agree with that?  
10 **A. Yes.**  
11 Q. So do you agree that under the home  
12 health care benefit, Mr. King could have received  
13 \$3,000 a month.  
14 **A. Can you ask that question again? I'm**  
15 **sorry.**  
16 Q. Sure. So do you understand, then, that  
17 under the home health care benefit, with the  
18 hundred-dollar-a-day daily benefit amount for  
19 30 days a month, he could have received \$3,000 a  
20 month in benefits.  
21 **MR. BIDEGARAY:** Objection. Form.  
22 Foundation.  
23 Go ahead. You can answer, if you can.  
24 **A. I'm sorry, I'm not understanding the**  
25 **question that you're asking.**

<p style="text-align: right;">Page 138</p> <p>1 <b>BY MR. BIDEGARAY:</b></p> <p>2 Q. Sure. Let me take a step back.</p> <p>3 So the home health care benefit under the</p> <p>4 policy, would you agree that it would pay a</p> <p>5 hundred dollars per day.</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. So for an entire month, which using an</p> <p>8 average of about 30 days, would be about \$3,000 a</p> <p>9 month. Right?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. And that's about \$2,000 more than</p> <p>12 the alternate benefit payment rider which only</p> <p>13 pays a thousand dollars a month. Right?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. So would you agree that the company was</p> <p>16 trying to pay the home health care benefit to you</p> <p>17 because it would pay more.</p> <p>18 <b>MR. BIDEGARAY:</b> Objection. Form.</p> <p>19 Foundation.</p> <p>20 <b>MS. JONES:</b> Okay. I'll rephrase my</p> <p>21 question.</p> <p>22 <b>MR. BIDEGARAY:</b> And -- And speculation.</p> <p>23 ///</p> <p>24 ///</p> <p>25 ///</p>	<p style="text-align: right;">Page 140</p> <p>1 reimburse.</p> <p>2 <b>A. I'm sorry, I'm a little bit confused on</b></p> <p>3 <b>the questioning and the time frame.</b></p> <p>4 Q. Sure. What -- I guess my question should</p> <p>5 be what other benefits do you think the policy</p> <p>6 should have paid to you or your father.</p> <p>7 <b>A. Well, a thousand dollars a month</b></p> <p>8 <b>for -- it didn't just start in August that he was</b></p> <p>9 <b>very ill.</b></p> <p>10 Q. What do you think the trigger of the</p> <p>11 policy is? In other words, what do you think the</p> <p>12 benefit eligibility requirement is under the</p> <p>13 policy?</p> <p>14 <b>MR. BIDEGARAY:</b> Objection. Foundation.</p> <p>15 <b>BY MS. JONES:</b></p> <p>16 Q. You can answer.</p> <p>17 <b>A. I have no answer.</b></p> <p>18 Q. Do you know what the policy requires of</p> <p>19 someone -- in other words, you said when -- when</p> <p>20 you're sick, right, or when your dad -- I don't</p> <p>21 want to twist your words. You said your dad was</p> <p>22 sick sooner.</p> <p>23 What do you think the trigger for the</p> <p>24 policy is? What do you think the requirement for</p> <p>25 benefit eligibility is?</p>
<p style="text-align: right;">Page 139</p> <p>1 <b>MS. JONES:</b> Well, no, I asked her if she</p> <p>2 would -- Okay, well, regardless, I -- I said I'll</p> <p>3 rephrase.</p> <p>4 <b>BY MS. JONES:</b></p> <p>5 Q. Would you agree that 3,000 is more than</p> <p>6 1,000.</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Okay. After you received the \$3,000,</p> <p>9 approximately, from the company, what did you do</p> <p>10 next?</p> <p>11 <b>A. I'm not following the question.</b></p> <p>12 Q. Well, what did you do after you got the</p> <p>13 \$3,000 from the insurance company. What -- What</p> <p>14 did you do next?</p> <p>15 <b>A. I probably went to sleep.</b></p> <p>16 Q. Fair point. Were you dissatisfied with</p> <p>17 the \$3,000?</p> <p>18 <b>A. A little bit, yes.</b></p> <p>19 Q. What do you think the policy should have</p> <p>20 paid to you?</p> <p>21 <b>A. Whatever was due to my father for the</b></p> <p>22 <b>condition that he was in for the period of time</b></p> <p>23 <b>that he was in that condition.</b></p> <p>24 Q. And would you agree with me that no</p> <p>25 invoices were provided to the company for them to</p>	<p style="text-align: right;">Page 141</p> <p>1 <b>MR. BIDEGARAY:</b> Objection. Form.</p> <p>2 Foundation.</p> <p>3 <b>BY MS. JONES:</b></p> <p>4 Q. You can answer.</p> <p>5 <b>A. I have no answer.</b></p> <p>6 Q. Was there a time, if you recall, that the</p> <p>7 insurance company asked for additional hospital</p> <p>8 records from you?</p> <p>9 <b>A. Can you restate that? I'm sorry.</b></p> <p>10 Q. Sure. Was there a time when the</p> <p>11 insurance company asked you for additional</p> <p>12 hospital records for your dad.</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Do you know why that was?</p> <p>15 <b>A. Well, I believe it was because I had</b></p> <p>16 <b>talked to somebody, and they said that he should</b></p> <p>17 <b>have received benefits back into -- to 2015, and</b></p> <p>18 <b>they asked when he was hospitalized between 2015,</b></p> <p>19 <b>I believe, onto 2016.</b></p> <p>20 Q. Who was the person that you talked to</p> <p>21 that said 2015?</p> <p>22 <b>A. It was a lady, I believe, but I don't</b></p> <p>23 <b>recall the name.</b></p> <p>24 Q. It was a lady from the insurance company?</p> <p>25 <b>A. Yes.</b></p>

<p style="text-align: right;">Page 142</p> <p>1 Q. And so did you provide hospital records?</p> <p>2 <b>A. I don't know if I -- Can you clarify on</b></p> <p>3 <b>hospital records?</b></p> <p>4 Q. I don't know how. Records from a</p> <p>5 hospital?</p> <p>6 <b>A. Are you -- Are you meaning the dates that</b></p> <p>7 <b>he was hospitalized or actual records from the</b></p> <p>8 <b>hospital.</b></p> <p>9 Q. Let's -- Both.</p> <p>10 <b>A. Okay. 'Cause I'm -- I think I had</b></p> <p>11 <b>written out the dates that he was hospitalized,</b></p> <p>12 <b>and then I did provide medical records, but I</b></p> <p>13 <b>don't know if that was at the time he was in the</b></p> <p>14 <b>hospital. Must have been.</b></p> <p>15 Q. Did you -- Did you -- When you got those</p> <p>16 records, did you get them directly from the</p> <p>17 hospital?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Did you take any out or did you just give</p> <p>20 them what you had.</p> <p>21 <b>A. I don't believe I gave them everything I</b></p> <p>22 <b>had. I believe I gave them the dates that they</b></p> <p>23 <b>were asking specifically when he was hospitalized.</b></p> <p>24 Q. Okay. Did they come back to you and ask</p> <p>25 for more information, if you recall?</p>	<p style="text-align: right;">Page 144</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Do you recall providing additional</p> <p>3 records or a letter attesting to the insured's</p> <p>4 location?</p> <p>5 <b>A. I believe I sent the hospital records.</b></p> <p>6 Q. Well, you did send them first. Did you</p> <p>7 send them again. Right? 'Cause here it says</p> <p>8 records indicate he was in the hospital.</p> <p>9 Did you send the rest of the information.</p> <p>10 Did you send the letter attesting to insured's</p> <p>11 location.</p> <p>12 <b>A. Yes. I believe I did.</b></p> <p>13 Q. Okay. And do you know when you did that?</p> <p>14 <b>A. It would have been in March sometime. I</b></p> <p>15 <b>don't know the exact date.</b></p> <p>16 Q. Do you have a copy of that letter?</p> <p>17 <b>A. I have no idea.</b></p> <p>18 Q. Do you remember what that letter said?</p> <p>19 <b>A. It said where he was hospitalized and</b></p> <p>20 <b>where he was for the year.</b></p> <p>21 Q. And did you send additional medical</p> <p>22 records at all --</p> <p>23 <b>A. I believe --</b></p> <p>24 Q. I'm sorry. To Continental?</p> <p>25 <b>A. I believe I did.</b></p>
<p style="text-align: right;">Page 143</p> <p>1 <b>A. No, I don't believe they did.</b></p> <p>2 Q. So here it says [As Read]: "DGLASGOW -</p> <p>3 3/7/2017."</p> <p>4 Do you remember someone named</p> <p>5 Darian Glasgow?</p> <p>6 Do you remember that name?</p> <p>7 <b>A. Vaguely, yes.</b></p> <p>8 Q. Okay. And it says [As Read]: "Spoke with</p> <p>9 Michelle King and advised what information was</p> <p>10 needed to review the claim retroactively: We need</p> <p>11 medical records from VA for the period of 2014,</p> <p>12 August, through August 2016, so we can CIC insured."</p> <p>13 "CIC" meaning Chronic Illness Certification. "RN</p> <p>14 has reviewed the 11/2015 medical records and will</p> <p>15 CIC insured retroactively to 11/2015 however we</p> <p>16 need to know where the insured was during that</p> <p>17 time in order to pay the -- the benefit." MCB</p> <p>18 benefit is what it says, but it means the</p> <p>19 monthly -- monthly cash benefit. "Records</p> <p>20 indicate he was in the hospital in November 2015,</p> <p>21 but we need to know where he was all year.</p> <p>22 Michelle will be sending letter attesting to</p> <p>23 insured's location. Michelle King understood and</p> <p>24 will follow up with VA."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Okay. Do you recall when that might have</p> <p>2 been?</p> <p>3 <b>A. March sometime.</b></p> <p>4 Q. And again, did you send them everything</p> <p>5 or just pieces of information.</p> <p>6 <b>A. I don't remember.</b></p> <p>7 Q. And why did you think you were -- your</p> <p>8 dad was entitled to retroactive benefits under the</p> <p>9 policy?</p> <p>10 <b>MR. BIDEGARAY:</b> Objection. Asked and</p> <p>11 answered. She's answered that multiple times.</p> <p>12 <b>MS. JONES:</b> I don't think she's answered</p> <p>13 that specific question.</p> <p>14 <b>MR. BIDEGARAY:</b> She -- She specifically</p> <p>15 answered that question. She said he did</p> <p>16 not -- his disability didn't start on August 2nd,</p> <p>17 the day he sent the nurse there. She's answered</p> <p>18 that.</p> <p>19 <b>MS. JONES:</b> Well, okay. If that's her</p> <p>20 answer, that's fine.</p> <p>21 <b>BY MS. JONES:</b></p> <p>22 Q. Is that right, Ms. King? Is that what</p> <p>23 Mr. -- what Mr. Bidegaray just testified to, even</p> <p>24 though he's not supposed to? Is that your</p> <p>25 recollection?</p>

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1 A. Yes.  
2 Q. Okay.  
3 MS. JONES: I'm -- I'm also gonna object  
4 to Mr. Bidegaray's testimony during my deposition.  
5 BY MS. JONES:  
6 Q. Did anybody at Continental -- Continental  
7 or I should say the insurance company, as we've  
8 been calling it, were they ever rude to you or  
9 obnoxious to you at any time?  
10 A. No, not that I recall.  
11 Q. When did you first consult counsel. I'm  
12 not asking you for what they -- what you said to  
13 counsel or anything like that, but when did you  
14 first decide to file a lawsuit in this case.  
15 A. After I had submitted all the paperwork I  
16 thought necessary, and then I never heard back  
17 anything after March of 2017. So sometime --  
18 Q. Did you call the insurance -- Oh, I'm so  
19 sorry. Go ahead and finish. I didn't mean to  
20 interrupt.  
21 A. It would have had to have been sometime  
22 in 2017.  
23 Q. Did you call the insurance company and  
24 ask what was happening? Why you had not heard  
25 from them?

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1 A. I believe I had sent letters.  
2 Q. Do you have copies of those letters?  
3 A. I believe I do. Possibly.  
4 Q. Did you give those letters to your lawyer  
5 already? I'm not asking for private  
6 communication. I'm just saying I haven't seen  
7 any. So have you given those letters to your  
8 lawyer?  
9 A. I don't know.  
10 Q. Okay. I'm gonna ask for those so when  
11 you go home, you can look for them.  
12 What is it that you're asking the  
13 insurance company for here in this lawsuit?  
14 MR. BIDEGARAY: And -- And I'm gonna  
15 object to the extent -- I'm gonna allow you to  
16 answer, but I got to put an objection on the  
17 record. To the extent that your lawyers are gonna  
18 help and make the request to the jury in this  
19 case, and it will be --  
20 MS. JONES: Hey, Dan, I'm not asking  
21 about a legal -- it's not a legal question. She's  
22 the plaintiff.  
23 BY MS. JONES:  
24 Q. What is it that you're asking for from  
25 the insurance company.

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1 MR. BIDEGARAY: So let me finish my  
2 answer [sic], please, do not interrupt me.  
3 MS. JONES: Oh, no, speaking objections  
4 like this are improper, Dan.  
5 MR. BIDEGARAY: No.  
6 MS. JONES: You know that as you --  
7 MR. BIDEGARAY: It's not --  
8 MS. JONES: -- chastised me about it  
9 repeatedly, and so I request that you stop doing  
10 it now. Your objection's duly noted. I'm not  
11 asking privileged information.  
12 I'm just asking as the plaintiff in this  
13 case, which is the case that Ms. King filed as the  
14 plaintiff, what is it that she's asking for from  
15 the insurance company.  
16 MR. BIDEGARAY: Again --  
17 MS. JONES: It's an easy question.  
18 MR. BIDEGARAY: -- I'm gonna make my  
19 objection, and the objection is to the extent that  
20 attorney-client privilege or work product or  
21 anything of that nature is being inquired of you,  
22 of course we're gonna help you with all those  
23 requests.  
24 To the extent that you know how we're  
25 gonna go about trying this case and what we're

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1 gonna ask for and the legal ramifications, if you  
2 know anything about that without giving legal  
3 conclusions 'cause you don't have the foundation  
4 to do that, answer the best you can.  
5 MR. DAVIS: That's an improper objection.  
6 It should be a one-word objection, for Christ's  
7 sake.  
8 MS. JONES: Thank you, Max. I was just  
9 about to say that.  
10 Let the record reflect that that's a --  
11 we object to that objection. It's ridiculous.  
12 This is a very straightforward question.  
13 BY MS. JONES:  
14 Q. Ms. King, can you answer, please?  
15 A. I have no answer.  
16 Q. And Ms. King, do you know that your  
17 lawyer sent me a letter last year that said he'd  
18 dismiss your case if he got claim files of other  
19 insureds?  
20 Did you know that?  
21 A. Can you explain further, please?  
22 Q. Sure. Did you know that your lawyer,  
23 Mr. Bidegaray, sent me a letter that said he'd  
24 dismiss your case, meaning get rid of it, if I  
25 gave him claim files from other insureds, other



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1 people who have contracts with my insurance  
2 company client.  
3 Did you know that?  
4 **MR. BIDEGARAY:** First, objection. That  
5 misstates the record.  
6 **MS. JONES:** Okay.  
7 **MR. BIDEGARAY:** Second --  
8 **MS. JONES:** One-word objection is -- is  
9 fine.  
10 **BY MS. JONES:**  
11 Q. Go ahead.  
12 **MR. BIDEGARAY:** Second, to the extent --  
13 **MS. JONES:** Okay, I'll show -- I'll show  
14 the letter, then. That's fine. Give me a moment.  
15 **BY MS. JONES:**  
16 Q. Okay. I'm sharing my screen, and I'm  
17 gonna mark this as an exhibit.  
18 **MS. JONES:** I believe we're at Exhibit 9.  
19 Madam Court Reporter, but if not, this is just the  
20 next exhibit in line.  
21 **THE COURT REPORTER:** That's correct,  
22 Counsel.  
23 **EXHIBIT:**  
24 ///  
25 ///

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1 (Deposition Exhibit 9 marked for  
2 identification.)  
3 **BY MS. JONES:**  
4 Q. And this letter is dated August 24th,  
5 2023.  
6 Have -- Have you seen this letter  
7 before --  
8 **A. No.**  
9 Q. -- Ms. King? Here it says "This letter  
10 is Michelle King's" -- That's you. Right?  
11 **A. Yes.**  
12 Q. -- "offer to dismiss this case and walk  
13 away with nothing, including no payment for the  
14 benefits now owed to her or her father's estate."  
15 Do you see that?  
16 **A. Yes.**  
17 Q. Did you know your lawyer sent that?  
18 **A. Yes.**  
19 Q. Did you say that he could dismiss the  
20 case and you would walk away with nothing?  
21 Do you agree with that?  
22 **A. Yes.**  
23 Q. Okay. If you would give me -- I'm gonna  
24 take about a five-minute break just so I can go  
25 through my notes, and then we'll come back on the

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1 record after that break.  
2 **THE VIDEOGRAPHER:** Okay. Time is 12:45.  
3 Going off the record.  
4 (Recess taken from 12:45 p.m. to  
5 12:59 p.m.)  
6 **THE VIDEOGRAPHER:** Time is 12:59. Back  
7 on the record.  
8 **BY MS. JONES:**  
9 Q. All right. All right. Thanks, Ms. King.  
10 We're back on the record after a short break.  
11 I don't have any further questions, so I  
12 wanted to say thank you to you. I don't know if  
13 your counsel has other questions.  
14 **MR. BIDEGARAY:** No questions.  
15 **THE VIDEOGRAPHER:** Okay. This is the end  
16 of this deposition. The time is 12:59. Going off  
17 the record.  
18 (Deposition concluded at 12:59 p.m.  
19 Deponent excused; signature reserved.)  
20  
21  
22  
23  
24  
25

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1 C E R T I F I C A T E  
2 STATE OF MONTANA )  
3 County of Missoula ) ss.  
4 I, Mary Sullivan, RMR, CRR, Freelance Court  
5 Reporter and Notary Public for the State of Montana,  
6 residing in Missoula, Montana, do hereby certify:  
7 That I was duly authorized to and did  
8 report the deposition after having duly sworn  
9 Michelle King; that the reading and signing of the  
10 deposition by the deponent have been expressly  
11 reserved; that the foregoing pages of this testimony  
12 constitute a true and accurate transcription of my  
13 stenotype notes of the testimony of said deponent.  
14 I further certify that I am not an attorney  
15 nor counsel of any of the parties; nor a relative  
16 or employee of any attorney or counsel connected  
17 with the action, nor financially interested in the  
18 action.  
19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand on December 19, 2024.  
21  
22  
23 Mary Sullivan, RPR, RMR, CRR  
24 Freelance Court Reporter  
25 Notary Public, State of Montana  
Residing in Missoula, Montana  
My Commission expires: 04/06/2026

1           ERRATA SHEET FOR THE DEPOSITION OF:  
2                               MICHELLE KING  
3                               December 10, 2024  
4                               Michelle King  
5                               vs.  
6           United Teacher Associates Insurance Company, et  
7                               al.  
8                               No. 4:21-cv-00087-BMM

	PAGE	LINE	CORRECTION
6			
7			
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10			
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14       ( ) I have no corrections  
15       I hereby certify that this is a true and  
16       correct copy of my testimony, together with any  
      changes I have made on this and any subsequent  
      pages attached hereto.

17 Dated on this \_\_\_\_\_ day of \_\_\_\_\_,  
18 \_\_\_\_\_.  
19 \_\_\_\_\_  
20 Michelle King

20  
21  
22  
23  
24  
25

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